



Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Forty-first Meeting Day

Monday Morning

April 9, 2007

The House convened at 11:00 a.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker read a prayer for wisdom and service (printed January 9, 2007).

The Pledge of Allegiance to the Flag was led by Representative Dennie Oxley II.

The Speaker ordered the roll of the House to be called:

| | |
|--------------------|-------------|
| Austin | Klinker |
| Avery | Knollman |
| Bardon | Koch |
| Battles | Kuzman |
| Behning | L. Lawson |
| Bell | Lehe |
| Bischoff | Leonard |
| Borders | Lutz |
| Borror | Mays |
| Bosma | McClain |
| C. Brown | Micon |
| T. Brown | Moses |
| Buck | Murphy |
| Buell | Neese |
| Burton | Niezgodski |
| Candelaria Reardon | Noe |
| Cheatham | Orentlicher |
| Cheney | Oxley |
| Cherry | Pelath |
| Cochran | Pflum |
| Crawford | Pierce ☐ |
| Crooks | Pond |
| Crouch | Porter |
| Davis | Reske |
| Day | Richardson |
| Dembowski | Ripley |
| Denbo | Robertson |
| Dermody | Ruppel |
| Dickinson | Saunders |
| Dobis | M. Smith |
| Dodge | V. Smith ☐ |
| Duncan | Soliday |
| Dvorak | Stemler |
| Eberhart | Stevenson ☐ |
| Elrod | Stilwell |
| Espich | Stutzman |
| Foley | Summers |
| Friend | Thomas |
| Frizzell | Thompson |
| Fry | Tincher |
| GiaQuinta | Torr |
| Goodin | Turner |
| Grubb | Tyler |
| Gutwein | Ulmer |
| E. Harris | VanHaften |
| T. Harris | Walorski |
| Herrell | Welch |
| Hinkle | Whetstone |
| Hoy | Wolkins |
| Kersey | Mr. Speaker |

Roll Call 444: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, April 10, 2007, at 10:00 a.m.

GOODIN

Motion prevailed.

ENGROSSED SENATE BILLS ON SECOND READING

The following bills were called down by their respective sponsors, were read a second time by title, and, there being no amendments, were ordered engrossed: Engrossed Senate Bills 44, 68, 154, 205, 293, 345, 377, 448, 490, 520, 529, 559, and 562.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 29

Representative Robertson called down Engrossed Senate Bill 29 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 445: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 49

Representative Kuzman called down Engrossed Senate Bill 49 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 446: yeas 94, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 104

Representative Summers called down Engrossed Senate Bill 104 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 447: yeas 95, nays 1. The bill was declared passed.

The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 129

Representative Tyler called down Engrossed Senate Bill 129 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 129 be made a special order of business for this afternoon.

TORR

Motion failed.

After further discussion, Representative Tyler withdrew the call of Engrossed Senate Bill 129.

Representative Pierce, who had been excused, was present.

Engrossed Senate Bill 134

Representative Tyler called down Engrossed Senate Bill 134 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 448: yeas 61, nays 35. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Stevenson, who had been excused, was present.

Engrossed Senate Bill 155

Representative Dvorak called down Engrossed Senate Bill 155 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 449: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 180

Representative Austin called down Engrossed Senate Bill 180 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 450: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 181

Representative Austin called down Engrossed Senate Bill 181 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 451: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 191

Representative Tincher called down Engrossed Senate Bill 191 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 452: yeas 92, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 220

Representative GiaQuinta called down Engrossed Senate Bill 220 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 453: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 261

Representative Dembowski called down Engrossed Senate Bill 261 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 454: yeas 60, nays 37. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:15 p.m. with the Speaker in the Chair.

Representative V. Smith, who had been excused, was present. Representative Goodin was excused.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 40, 41, 42, 43, and 91 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 90 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 90

The Speaker handed down Senate Concurrent Resolution 90, sponsored by Representatives Klinker, T. Brown, Micon, and Lehe:

A CONCURRENT RESOLUTION congratulating Dr. Martin C. Jischke, President of Purdue University, on his retirement.

Whereas, During his seven years as president of Purdue University, Dr. Martin C. Jischke has led Indiana's land-grant university to a new level of preeminence;

Whereas, His dynamic leadership and strong focus on strategic planning have strengthened every aspect of Purdue, to the benefit of its students and the State of Indiana;

Whereas, Dr. Jischke has made economic development of our state one of his primary goals, encouraging the development of many new companies based on Purdue research;

Whereas, He personally conceived of and led the development of Discovery Park, an interdisciplinary research and teaching center that is designed to accelerate the commercialization of new technologies in order to create new business in Indiana;

Whereas, He has developed or significantly enhanced such initiatives as Advanced Manufacturing, the Technical Assistance Program and the Center for Regional Development, which directly benefit Indiana companies;

Whereas, While skillfully managing his university's state appropriation, Dr. Jischke also has worked tirelessly to maximize other sources of revenue, doubling both private donations to the University and funding of research programs;

Whereas, He has endeavored to create new educational opportunities for Hoosiers through programs like Science Bound, which encourages Indianapolis inner-city students to pursue the dream of higher education, and the Purdue Opportunity Awards, which offers scholarships to students of extraordinary need from every county;

Whereas, Dr. Jischke has been both an eloquent spokesman for higher education in our state and a leader on the national scene through the Association of American Universities, the National Association of State Universities and Land Grant Colleges, the President's Council of Advisors on Science and Technology and other organizations and committees;

Whereas, He has led with distinction four different universities in four states;

Whereas, As the son of a Chicago grocer and the first person in his family to earn a college degree, he has embodied through his life and work the American dream of achievement and service through education; and

Whereas, he will retire from the presidency of Purdue University on June 30, 2007: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the General Assembly of the State of Indiana commends Dr. Martin C. Jischke on his career-long dedication to public education, culminating with his tenure as president of Purdue University, and congratulates him on his retirement.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Board of Trustees of the University and Dr. Martin C. Jischke.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 40

The Speaker handed down Senate Concurrent Resolution 40, sponsored by Representative Buell:

A CONCURRENT RESOLUTION honoring the Warren Central High School boys cross country team.

Whereas, The Warren Central High School boys cross country team is the Indiana High School Athletic Association's (IHSAA) state champion for the second year in a row;

Whereas, The Warren Central Warriors tallied 100 points as a team to beat runner-up Franklin Central, which finished with 123 points;

Whereas, Senior De'Sean Turner won the overall individual title and covered the 5,000 meter LaVern Gibson Championship Course in a time of 15:54.3, a full five seconds ahead of runner-up Curtis Carr from Brown County;

Whereas, Senior Ondraius Richardson placed fifth overall (third among team competitors) in a time of 16:13.3;

Whereas, Sophomore Caleb Pack placed 49th overall with a time of 17:05.3, junior Micah Aldrich placed 55th with a time of 17:11.8, and senior Cody Smith placed 58th with a time of 17:13.7; and

Whereas, Hard work and dedication helped Warren Central to finish at the top for a second consecutive year: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Warren Central High School boys cross country team on winning back-to-back state championships and wishes the team continued success in the future.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the members of the Warren Central High School boys cross country team, coach Joe Brooks, and principal Tony Burchett.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 41

The Speaker handed down Senate Concurrent Resolution 41, sponsored by Representative Buell:

A CONCURRENT RESOLUTION honoring Warren Central High School, Indianapolis, Indiana, on the occasion of its victory in the Class 5A state football championship.

Whereas, The Warren Central Warriors marched to a 35-14 victory over Carmel High School to win the Class 5A state championship title on Saturday, November 25, in the RCA Dome in Indianapolis, making the Warriors the first team to win four consecutive football state championship titles;

Whereas, The Warriors were led by senior running back Darren Evans, who ran for 201 yards and three touchdowns, making him the 2006 points leader with a total of 372 points scored;

Whereas, Darren Evans was named Mr. Football by the Indianapolis Star, receiving 94 percent of the votes cast by coaches and media across the state;

Whereas, Darren Evans is the third Warrior in four years to be named Mr. Football, joining quarterbacks Desmond Tardy (2003) and Dexter Taylor (2005);

Whereas, Senior running back Brad Ellington rushed for 72 yards on four attempts and one touchdown, and senior quarterback Matt Upshaw racked up 32 yards on seven attempts and one touchdown; he also completed three of four passes for 45 yards;

Whereas, The defense contributed several big plays, and senior Michael Bell set up a clinching score with a blocked punt;

Whereas, The Warriors took control of the game in the second quarter, outscoring Carmel 21 - 7, and the defense cranked up its efforts in the second half to hold on to the lead and march to their fourth consecutive state title;

Whereas, First year head coach Steve Tutsie guided Warren Central to its sixth state title in school history;

Whereas, The championship victory topped off an undefeated season and ranks Warren Central among the finest football teams in the history of our state; and

Whereas, Excellence, whether it is on the athletic field or in the classroom, deserves special recognition: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Warren Central Warriors on their fourth consecutive Class 5A state football championship and wishes them well in their future endeavors.

SECTION 2. That the Secretary of the Senate transmit a copy of this resolution to the team members and coaches, the school principal, and the superintendent.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 42

The Speaker handed down Senate Concurrent Resolution 42, sponsored by Representative M. Smith:

A CONCURRENT RESOLUTION memorializing Reverend J. Wayne Markward.

Whereas, The Reverend J. Wayne Markward was born on September 17, 1935, in Hobart, Indiana, and passed away on January 5, 2007, at the age of 71;

Whereas, At the time of his death, Reverend Markward was serving as the interim pastor of the Union Christian Church in Franklin where he had served as pastor for 12 years in the 1960s and 1970s;

Whereas, Reverend Markward graduated from Hobart High School, Johnson Bible College, and Christian Theological Seminary and was ordained by the Disciples of Christ Church in December 1956;

Whereas, Reverend Markward and his wife Flora were married on June 22, 1957, a union that produced two daughters and a son;

Whereas, Shortly after their marriage, Reverend Markward and his wife spent 2 ½ years in an African-American mission in Phoenix, Arizona, where he performed his first baptism;

Whereas, This service in Phoenix was the only time Reverend Markward was away from the state of Indiana;

Whereas, Reverend Markward completed 50 years of ministry in December 2006;

Whereas, Reverend Markward was a member of the Franklin Lions Club, served on the committee of the nurture and

certification division of the Disciples of Christ, was one of the first chaplains for the Johnson County Sheriff's Department, and was co-founder of the Ecumenical Prayer Breakfast in Rensselaer; and

Whereas, Reverend Markward was a man of God who dedicated his life to ministering to his flock, saw the best in every situation, and never missed an opportunity to offer his assistance to people in need whether they were members of his church or strangers: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly expresses its heartfelt sympathy to the family of Reverend J. Wayne Markward and its gratitude for his years of dedicated service to the citizens of Indiana.

SECTION 2. That the copies of this resolution be transmitted by the Secretary of the Senate to his wife Flora, daughters Lisa Howser and Patti Speck, and son Dennis.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

House Concurrent Resolution 54

Representatives Bauer and Denbo introduced House Concurrent Resolution 54:

A CONCURRENT RESOLUTION honoring retiring Indiana University President Adam W. Herbert and his wife, Karen Herbert.

Whereas, President Adam W. Herbert was named the Seventeenth President of Indiana University on June 5, 2003, also having the distinction of being the first African American President of a Big Ten University, and he has served the University and the citizens of Indiana with distinction in his dedication to furthering the mission of one of our great public higher education research institutions;

Whereas, President Herbert is recognized nationally and internationally as an educator, a scholar of public policy, and international ambassador for American higher education, and an inspired leader of higher education institutions and organizations;

Whereas, His tenure as President of Indiana University has been marked by a commitment to academic excellence and opportunity, with increased emphasis on raising funds for scholarship opportunities for aspiring students, his commitment to enhance diversity in all areas of the institution, and his support for a greater collaboration and articulation with Hoosier two-year colleges and universities;

Whereas, President Herbert highlighted Indiana University's premier role in Indiana's public higher education system by his mandate to all Indiana University campuses to review and clarify their missions both within the university structure and within the state's public higher education system;

Whereas, President Herbert has been a visionary leader dedicated to Indiana University and to Indiana as he committed the university's intellectual capital and other resources to broaden Indiana's economy, illustrated by his active support of the university's research agenda, the Indiana Life Sciences Initiative; and the Indiana University Research and Technology Corporation;

Whereas, In addition to his service to Indiana University, Adam W. Herbert has had a distinguished career as a White House Fellow during the Ford Administration, as President of the University of North Florida, as Chancellor of the State University System of Florida, as President of the National

Association of Schools of Public Affairs and Administration, as a Member of the Knight Foundation Commission on Intercollegiate Athletics, as Chair of the National Collegiate Athletics Association's Division II Presidents' Council; and

Whereas, President Herbert and his devoted wife, Karen Herbert, have jointly dedicated these last four years to the growth and improvement of Indiana University: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That on behalf of the citizens of the State of Indiana we express to Adam Herbert our appreciation, respect, and affection for his dedication to Indiana University

SECTION 2. That we express to his charming wife Karen our thanks for her contributions to Indiana University and for her graciousness as the University's First Lady

SECTION 3. That Adam and Karen step down from their leadership roles at IU with our warmest regards and best wishes.

SECTION 4. That the Principal Clerk of the House of Representatives transmit a copy of this Resolution to President Adam W. Herbert and his wife, Karen Herbert, the Indiana University Archives, and the Indiana Historical Society.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Long and Simpson.

ENGROSSED SENATE BILLS ON SECOND READING

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 455: 93 present.

Engrossed Senate Bill 566

Representative C. Brown called down Engrossed Senate Bill 566 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 566-2)

Mr. Speaker: I move that Engrossed Bill 566 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-7-2-47.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 47.5. "Covered entity", for purposes of IC 12-15-23.5, has the meaning set forth in IC 12-15-23.5-1.**"

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 3. IC 12-15-23.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 23.5. Coordination of Benefits Study

Sec. 1. As used in this chapter, "covered entity" has the meaning set forth in 45 CFR 160.103.

Sec. 2. Before January 1, 2008, the office shall:

- (1) examine all Medicaid claims paid after January 1, 2001, and before July 1, 2007; and
- (2) determine the percentage of the claims examined under subdivision (1) that were eligible for payment by a third party other than Medicaid.

The office may require, and a covered entity shall provide, any information necessary for the office to complete the examination required by this section. The office, after notice and hearing, may impose a fine not to exceed one thousand dollars (\$1,000) for each refusal by a covered entity to

provide information under this section.

Sec. 3. If the percentage determined under section 2 of this chapter is at least one percent (1%), the office shall develop and implement a procedure to improve the coordination of benefits between:

- (1) the Medicaid program; and
- (2) any other third party source of health care coverage provided to a recipient.

Sec. 4. If a procedure is developed and implemented under section 3 of this chapter, the procedure:

- (1) must be automated; and
- (2) must provide a system for determining whether a Medicaid claim is eligible for payment by another third party before the claim is paid under the Medicaid program."

Page 3, after line 22, begin a new paragraph and insert:

"SECTION 8. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 566 as printed April 3, 2007.)

WELCH

Motion prevailed.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative E. Harris.

HOUSE MOTION (Amendment 566-1)

Mr. Speaker: I move that Engrossed Senate Bill 566 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health care services.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 11-12-5-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 8. (a) This section does not apply to a person subject to lawful detention who:**

- (1) maintains a policy of insurance from a private company covering health care services; or
- (2) is willing to pay for the person's own health care services.

(b) As used in this section, "lawful detention" has the meaning set forth in IC 35-41-1-18.

(c) A county shall reimburse:

- (1) a physician licensed under IC 25-22.5;
- (2) a hospital licensed under IC 16-21-2; or
- (3) any other health care provider;

for health care services provided to a person subject to lawful detention by the sheriff of the county. The reimbursement must be paid at a rate that is equal to the reimbursement rate that applies to health care services provided under a health care provider network contract with the county's health plan in which the most county employees are enrolled.

(d) The reimbursement paid under this section:

- (1) must be equal to the reimbursement rate that the county health plan described in subsection (c) would pay after subtracting copayment amounts that would normally apply under the plan; and
- (2) may not be reduced because of any deductible amounts or similar obligations owed under the county health plan.

(e) This section may not be construed to prevent or limit the application of IC 11-12-5-5 concerning the making of copayments by a person confined to a county jail.

(f) A county that is responsible for paying the medical care expenses of a county jail inmate under IC 11-12-5-6 is responsible paying the medical care expenses of the inmate

under this section.

(g) This section may not be construed to supersede a written agreement:

(1) between:

(A) a physician, a hospital, or any other health care provider; and

(B) a county or sheriff;

concerning reimbursement for health care services provided to a person subject to lawful detention; and (2) entered into or renewed before July 1, 2007."

Page 3, after line 22, begin a new paragraph and insert:

"SECTION 7. IC 36-2-13-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 17. (a) This section does not apply to a person subject to lawful detention who:**

(1) maintains a policy of insurance from a private company covering health care services; or

(2) is willing to pay for the person's own health care services.

(b) As used in this section, "lawful detention" has the meaning set forth in IC 35-41-1-18.

(c) A sheriff of a county may not release a person subject to lawful detention solely for the purpose of preventing the county from being financially responsible under IC 11-12-5-8 for health care services provided to the person.

(d) If a county violates subsection (c), the county remains financially responsible under IC 11-12-5-8 for health care services provided to the person released from lawful detention.

(e) A county is financially responsible under IC 11-12-5-8 for medical care provided to a person at a hospital if that person was subject to lawful detention by the sheriff at the time the person entered the hospital's premises.

(f) If a person is subjected to lawful detention after entering the premises of a hospital, the county in which the hospital is located is financially responsible under IC 11-12-5-8 for the medical care provided to the person while the person is subject to lawful detention.

(g) For purposes of this section, if a sheriff brings a person subject to lawful detention onto the premises of a hospital or subjects a person to lawful detention after the person enters the premises of a hospital, the sheriff shall remain on the premises of the hospital and within reasonable proximity to the person while the person receives medical care at the hospital unless:

(1) the person's medical condition renders the person incapable of leaving the hospital; and

(2) the person does not pose a threat to hospital personnel or property or to others at the hospital.

(h) This section may not be construed to prevent or limit the application of IC 11-12-5-5 concerning the making of copayments by a person confined to a county jail.

(i) A county that is responsible for paying the medical care expenses of a county jail inmate under IC 11-12-5-6 is responsible paying the medical care expenses of the inmate under this section.

(j) This section may not be construed to supersede a written agreement:

(1) between:

(A) a physician, a hospital, or any other health care provider; and

(B) a sheriff;

concerning reimbursement for health care services provided to a person subject to lawful detention; and (2) entered into or renewed before July 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to ESB 566 as printed April 3, 2007.)

KUZMAN

Motion prevailed.

HOUSE MOTION (Amendment 566-3)

Mr. Speaker: I move that Engrossed Senate Bill 566 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Page 3, after line 22, begin a new paragraph and insert:

"SECTION 6. IC 20-19-5 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 7. **An emergency is declared for this act.**"

(Reference is to ESB 566 as printed April 3, 2007.)

WALORSKI

Upon request of Representatives Walorski and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 456: yeas 38, nays 60. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 561

Representative L. Lawson called down Engrossed Senate Bill 561 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 561-3)

Mr. Speaker: I move that Engrossed Senate Bill 561 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10.3-7-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4.8. (a) As used in this section, "state quasi-governmental entity service" means service in Indiana that would be considered creditable service if performed by an employee of a member of the fund by an individual who:**

(1) provided the service as an employee of a body corporate and politic, nonprofit corporation established by the state, or other quasi-governmental entity that performed a state governmental function; and

(2) was not a member of the fund under section 1 of this chapter during the period of employment.

(b) A member may purchase state quasi-governmental entity service credit subject to the following:

(1) The member must have at least one (1) year of credited service in the fund.

(2) The member must have at least ten (10) years of in-state credited service before the member may claim the service credit.

(3) Before the member retires, the member must make contributions to the fund:

(A) that are equal to the product of:

(i) the member's salary at the time the member actually makes a contribution for the service credit;

(ii) a percentage rate, as determined by the actuary of the fund, based on the age of the member at the time the member makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased; and (iii) the number of years of state quasi-governmental entity service the member intends to purchase; and

(B) for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

(4) The member must provide verification of the service with the state quasi-governmental entity in a manner

prescribed by the fund.

(c) State quasi-governmental entity service that qualifies a member for retirement in a private retirement system or a federal retirement system may not be granted under this section.

(d) A member who:

(1) terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance; or
 (2) receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act; may withdraw the personal contributions made under the contributory plan plus accumulated interest after submitting to the fund a properly completed application for a refund.

(e) The following apply to the purchase of service credit under this section:

(1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.

SECTION 2. IC 5-10.3-11-4.7, AS AMENDED BY P.L.28-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.7. (a) In addition to the amounts distributed under sections 4 and 4.5 of this chapter, each year the state board shall distribute from the pension relief fund to each unit of local government an amount determined under the following STEPS:

STEP ONE: Determine the amount of the total pension payments to be made by the unit in the calendar year, as estimated by the state board under section 4 of this chapter.

STEP TWO: Determine the result of:

- (A) the STEP ONE result; multiplied by
- (B) fifty percent (50%).

STEP THREE: Determine the amount to be distributed in the current calendar year to the unit of local government under section 4 of this chapter.

STEP FOUR: Determine the greater of zero (0) or the result of:

- (A) the STEP TWO result; minus
- (B) the STEP THREE result.

(b) The state board shall make the distributions under subsection (a) in two (2) equal installments before July 1 and before October 2 of each year.

(c) This section expires January 1, ~~2009~~ 2011."

Renumber all SECTIONS consecutively.

(Reference is to ESB 561 as printed April 6, 2007.)

MOSES

Motion prevailed.

HOUSE MOTION
 (Amendment 561-1)

Mr. Speaker: I move that Engrossed Senate Bill 561 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-8-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) "Salary of a first class patrolman or first class firefighter" means the base salary of a patrolman or firefighter plus:

(1) all longevity increases, if provided by the employer, for

service of twenty (20) years or less; and

(2) an amount equal to the greater of zero (0) or:

- (A) the total remuneration or allowances for clothing that are paid to the patrolman or firefighter; minus
- (B) six hundred dollars (\$600);

but does not include remuneration or allowances for fringe benefits, incentive pay, holiday pay, insurance, clothing (except to the extent allowed under subdivision (2)), automobiles, firearms, education, overtime, or compensatory time off.

(b) With respect to the 1925, 1937, and 1953 funds, "salary of a first class patrolman or firefighter" may include longevity increases for more than twenty (20) years of service at the option of the employer but only if these longevity increases had taken effect before January 1, 1983.

SECTION 2. IC 36-8-6-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) Remuneration or allowances for fringe benefits, incentive pay, holiday pay, insurance, ~~clothing~~, automobiles, firearms, education, overtime, or compensatory time off may not be used in the computation of benefits under this chapter.

(b) If the remuneration or allowances described in subsection (a) were used to compute benefits for a recipient who began receiving benefits before May 2, 1977, this computation may continue only for that recipient and only during the eligibility period for benefits. The municipality and the official involved are not liable for making the overpayment, and a recipient is not required to repay the overpayment.

(c) Remuneration or allowances for clothing may be used in the computation of benefits under this chapter to the extent allowed under IC 36-8-1-11.

SECTION 3. IC 36-8-7-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25. (a) Remuneration or allowances for fringe benefits, incentive pay, holiday pay, insurance, ~~clothing~~, automobiles, firearms, education, overtime, or compensatory time off may not be used in the computation of benefits under this chapter.

(b) If the remuneration or allowances described in subsection (a) were used to compute benefits for a recipient who began receiving benefits before May 2, 1977, this computation may continue only for that recipient and only during the eligibility period for benefits. The unit and the official involved are not liable for making the overpayment, and a recipient is not required to repay the overpayment.

(c) Remuneration or allowances for clothing may be used in the computation of benefits under this chapter to the extent allowed under IC 36-8-1-11.

SECTION 4. IC 36-8-7.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) Remuneration or allowances for fringe benefits, incentive pay, holiday pay, insurance, ~~clothing~~, automobiles, firearms, education, overtime, or compensatory time off may not be used in the computation of benefits under this chapter.

(b) If the remuneration or allowances described in subsection (a) were used to compute benefits for a recipient who began receiving benefits before May 2, 1977, this computation may continue only for that recipient and only during the eligibility period for benefits. The city and the official involved are not liable for making the overpayment, and a recipient is not required to repay the overpayment.

(c) Remuneration or allowances for clothing may be used in the computation of benefits under this chapter to the extent allowed under IC 36-8-1-11."

Page 10, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 15. [EFFECTIVE JULY 1, 2007] (a) IC 36-8-1-11, IC 36-8-6-19, IC 36-8-7-25, and IC 36-8-7.5-21, all as amended by this act, do not apply to or abrogate a contract or an agreement in effect on June 30, 2007.

(b) IC 36-8-1-11, IC 36-8-6-19, IC 36-8-7-25, and

IC 36-8-7.5-21, all as amended by this act, apply to a contract or an agreement entered into, modified, renewed, or extended after June 30, 2007."

Renumber all SECTIONS consecutively.

(Reference is to ESB 561 as printed April 6, 2007.)

COCHRAN

Representative Whetstone rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 561 a bill pending before the House.

After discussion of the point of order, Representative Cochran withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 536

Representative Austin called down Engrossed Senate Bill 536 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 506

Representative Tincher called down Engrossed Senate Bill 506 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 506-1)

Mr. Speaker: I move that Engrossed Senate Bill 506 be amended to read as follows:

Page 12, line 33, after "(10)" insert "(7)".

Page 12, line 33, reset in roman "A retail merchant or an employee of the retail merchant to".

Page 12, line 34, reset in roman "the extent that the person is hiring a".

Page 12, line 34, after "guard" insert "**private investigator for the purposes of loss prevention investigations**".

Page 12, line 34, reset in roman "for the retail".

Page 12, reset in roman line 35.

Page 12, line 36, delete "(7)" and insert "(8)".

Page 12, line 40, delete "(8)" and insert "(9)".

Page 13, line 1, delete "(9)" and insert "(10)".

Page 13, line 4, delete "(10)" and insert "(11)".

Page 13, line 7, delete "(11)" and insert "(12)".

Page 15, line 12, after "applicant" insert ",".

Page 26, line 19, after "to" insert "**each of**".

Page 26, line 21, delete "of" and insert "**after**".

Page 26, line 21, after "that" delete "the".

Page 26, line 22, delete "employees" and insert "**an employee**".

Page 26, line 23, delete "the employees." and insert "**each employee**".

(Reference is to ESB 506 as printed April 3, 2007.)

TINCHER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 504

Representative C. Brown called down Engrossed Senate Bill 504 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 504-3)

Mr. Speaker: I move that Engrossed Senate Bill 504 be amended to read as follows:

Page 18, line 35, delete "and".

Page 18, line 36, delete "possession, use, or distribution" and insert "**possession or use**".

Page 18, between lines 37 and 38, begin a new line double block indented and insert:

"(C) does not have as an element the distribution or manufacturing of a controlled substance (as defined in 21 U.S.C. 802(6)); and".

(Reference is to ESB 504 as printed April 6, 2007.)

WELCH

Motion prevailed.

HOUSE MOTION (Amendment 504-5)

Mr. Speaker: I move that Engrossed Senate Bill 504 be amended to read as follows:

Page 22, after line 30, begin a new paragraph and insert:

"SECTION 42. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "office of the secretary" refers to the office of the secretary of family and social services established by IC 12-8-1-1.

(b) As used in this SECTION, "government assistance income" means the sum of the value of all:

(1) cash;

(2) free services; or

(3) savings from reduced fees;

that an Indiana resident with an income at or below two hundred percent (200%) of the federal poverty income level receives.

(c) Before December 31, 2007, the office of the secretary shall study the following:

(1) The tax relief available for Indiana residents with incomes under the federal poverty income level.

(2) The availability of programs that provide financial or medical assistance to low income Indiana residents with incomes under the federal poverty income level, including:

(A) Medicaid;

(B) Temporary Assistance for Needy Families;

(C) food stamps; or

(D) any other federal, state, or local financial or medical assistance available to Indiana residents whose income is at or below two hundred percent (200%) of the federal poverty income level.

(3) The maximum government assistance income an individual could receive by pursuing and obtaining the benefits described in subdivisions (1) and (2).

(d) The office of the secretary shall submit a report of its findings not later than December 31, 2007, to the governor and the legislative council. The report must be in an electronic format under IC 5-14-6. The report must include a detailed explanation of the calculation assumptions and methodology.

(e) This SECTION expires January 1, 2008.

SECTION 43. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 504 as printed April 6, 2007.)

TURNER

Motion prevailed.

HOUSE MOTION (Amendment 504-6)

Mr. Speaker: I move that Engrossed Senate Bill 504 be amended to read as follows:

Page 4, delete lines 4 through 20.

Page 8, line 18, delete "Except as provided in IC 12-14-28-3.3, a" and insert "A".

Page 18, delete lines 28 through 42.

Page 19, delete lines 1 through 23.

Renumber all SECTIONS consecutively.

(Reference is to ESB 504 as printed April 6, 2007.)

WALORSKI

Upon request of Representatives Walorski and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 457: yeas 34, nays 64. Motion failed.

HOUSE MOTION
(Amendment 504-4)

Mr. Speaker: I move that Engrossed Senate Bill 504 be amended to read as follows:

Page 19, line 1, delete "or".

Page 19, line 2, after ":", insert "or".

Page 19, between lines 2 and 3, begin a new line double block indented and insert:

"(E) a faith based program certified by the division of mental health and addiction;".

Page 19, between lines 16 and 17, begin a new paragraph and insert:

"(d) An individual who is receiving TANF under this section must be tested not less than one (1) time every two (2) months for drugs at a time chosen by the provider of the substance abuse or mental health treatment the individual completed or is participating in under this section. Nothing in this section shall prevent the provider from testing for drugs more frequently if more frequent testing is part of the program operated by the provider."

(Reference is to ESB 504 as printed April 6, 2007.)

STUTZMAN

Upon request of Representatives Stutzman and Friend, the Speaker ordered the roll of the House to be called. Roll Call 458: yeas 72, nays 25. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 503

Representative C. Brown called down Engrossed Senate Bill 503 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 503-3)

Mr. Speaker: I move that Engrossed Senate Bill 503 be amended to read as follows:

Page 71, line 25, delete "Eleven (11)" and insert **"Seven (7)"**.

Page 71, line 29, delete "Eleven (11)" and insert **"Six (6)"**.

Page 71, line 35, delete "(5)" and insert **"(7)"**.

Page 71, line 37, delete "(6) through (11)" and insert **"(8) through (13)"**.

Page 72, between lines 6 and 7, begin a new line block indented and insert:

"(12) Mental health issues.

(13) Pharmaceutical industry."

(Reference is to ESB 503 as printed April 6, 2007.)

C. BROWN

Motion prevailed.

HOUSE MOTION
(Amendment 503-8)

Mr. Speaker: I move that Engrossed Senate Bill 503 be amended to read as follows:

Page 51, between lines 34 and 35 begin a new paragraph and insert:

"SECTION 31. IC 16-41-37-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3.5. (a) A person may not smoke in an enclosed public place, a sports arena, or an enclosed place of employment.

(b) This section does not apply to a private residence that is not used as a licensed child care facility, retail tobacco stores, bars, public areas rented or leased for private functions, separate enclosed areas of truck stops that are not accessible to persons less than twenty-one (21) years of age, or an area that is not accessible to the public that is part of an owner operated business that has no employees other than the owner.

SECTION 32. IC 16-41-37-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10 . A person who violates this chapter commits a Class A infraction."

Renumber all SECTIONS consecutively.

(Reference is to ESB 503 as printed April 6, 2007.)

TURNER

Representative Pelath rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative Pelath withdrew the point of order.

The question then was on the motion of Representative Turner (503-8). The Speaker ordered a division of the House and appointed Representatives Stilwell and Bosma to count the yeas and nays. Yeas 60, nays 35. Motion prevailed.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION
(Amendment 503-4)

Mr. Speaker: I move that Engrossed Senate Bill 503 be amended to read as follows:

Page 5, delete lines 16 through 42.

Delete pages 6 through 11.

Page 12, delete lines 1 through 2.

Delete pages 55 through 59.

Page 60, delete lines 1 through 31.

Page 69, delete lines 27 through 29.

Renumber all SECTIONS consecutively.

(Reference is to ESB 503 as printed April 6, 2007.)

RIPLEY

Motion failed.

HOUSE MOTION
(Amendment 503-7)

Mr. Speaker: I move that Engrossed Senate Bill 503 be amended to read as follows:

Page 40, line 11, delete "ninety percent (90%)" and insert **"eighty-five percent (85%)"**.

Page 40, line 13, delete "ten percent (10%)" and insert **"fifteen percent (15%)"**.

(Reference is to ESB 503 as printed April 6, 2007.)

RIPLEY

Motion prevailed.

HOUSE MOTION
(Amendment 503-1)

Mr. Speaker: I move that Engrossed Senate Bill 503 be amended to read as follows:

Page 44, delete line 17.

Page 44, line 18, delete "(2)" and insert **"(1)"**.

Page 44, line 19, delete "(3)" and insert **"(2)"**.

Page 44, line 25, delete "(4)" and insert **"(3)"**.

Page 44, line 29, delete "An" and insert **"Except as provided in subsection (c), an"**.

Page 44, line 31, after "program" insert **"or an affiliate of an insurer or a health maintenance organization that has contracted with the office to provide health insurance under the program"**.

Page 45, between lines 13 and 14, begin a new paragraph and insert:

"(c) An insurer, a health maintenance organization, or an affiliate described in subsection (b) is not prohibited from providing health insurance to an individual described in subsection (b) that is consistent with the insurer's, health maintenance organization's, or affiliate's standard underwriting and rating practices in the individual or small group health insurance markets."

Page 45, line 14, delete "(c)" and "(d)".
(Reference is to ESB 503 as printed April 6, 2007.)

RIPLEY

Upon request of Representatives Ripley and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 459: yeas 52, nays 45. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 501

Representative C. Brown called down Engrossed Senate Bill 501 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 500

Representative Kuzman called down Engrossed Senate Bill 500 for second reading. The bill was reread a second time by title.

HOUSE MOTION (Amendment 500-25)

Mr. Speaker: I move that Engrossed Senate Bill 500 be amended to read as follows:

Page 64, line 18, strike "or".

Page 64, between lines 18 and 19, begin a new line block indented and insert:

"(2) recording any deed or other instrument of conveyance that transfers an ownership interest in real property to a:

(A) unit (as defined in IC 36-1-2-23);

(B) school corporation (as defined in IC 36-1-2-17);
or

(C) public library (as defined in IC 36-12-1-5); or".

Page 64, line 19, strike "(2)" and insert "(3)".

(Reference is to ESB 500 as printed April 3, 2007.)

SAUNDERS

Motion prevailed.

HOUSE MOTION (Amendment 500-23)

Mr. Speaker: I move that Engrossed Senate Bill 500 be amended to read as follows:

Page 54, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 39. IC 6-8.1-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The department may compile statistical studies from information derived from state tax returns and may disclose the results of those studies. In addition, the department may disclose statistical information from the state tax returns to the governor, the general assembly, or another state agency, for the purpose of allowing those governmental entities to conduct their own statistical studies.

(b) The department shall compile and maintain information relating to the amount of sales included in the sales factor under IC 6-3-2-2(e)(2) for determining a taxpayer's adjusted gross income. Beginning after the state fiscal year ending June 30, 2008, on or before November 1 of each year, the department shall submit a report in an electronic format under IC 5-14-6 to the legislative council for distribution to the members of the general assembly. The report must include:

(1) the total amount of sales reported under IC 6-3-2-2(e)(2) for the previous state fiscal year; and

(2) any additional relevant information provided by the department.

~~(b)~~ **(c)** Notwithstanding ~~subsection subsections (a) and (b),~~ the department may not disclose the results of any study and may not disclose any statistical information if, as a result of that disclosure:

(1) the identity of a taxpayer who filed a return would be disclosed;

(2) the identity of a taxpayer could reasonably be associated with any of the information which was derived from his return for use in a statistical study; or

(3) the ability of the department to obtain information from federal tax returns would, in the department's judgment, be jeopardized in any manner.

~~(c)~~ **(d)** Subject to the rules and regulations of the department, a person may request information as to whether an individual filed an income tax return pursuant to the Indiana income tax laws for a particular taxable year. However, the department may not disclose that information with respect to any taxable year until the close of the calendar year following the year in which the return should have been filed. As soon as practicable after the close of that calendar year, the department shall inform the person making the request whether the return was filed."

Renumber all SECTIONS consecutively.

(Reference is to ESB 500 as printed April 3, 2007.)

T. HARRIS

Motion prevailed.

HOUSE MOTION (Amendment 500-21)

Mr. Speaker: I move that Engrossed Senate Bill 500 be amended to read as follows:

Page 61, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 44. IC 30-2-13-12.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12.5. (a) This section applies to the following contracts entered into or established under this chapter after June 30, 1999:

(1) Contracts for prepaid services.

(2) Contracts for prepaid merchandise.

(3) Trusts or escrows established to hold consideration paid for services or merchandise subject to a contract entered into under this chapter.

(b) A contract between a purchaser and a seller must:

(1) specify that the consideration for the contract is:

(A) cash, payable either in lump sum or installments; or

(B) an insurance policy that is:

(i) newly issued in conjunction with and integral to the contract;

(ii) issued previously in a transaction separate and distinct from the contract; or

(iii) both.

If a contract is funded with an insurance policy, the ownership of the policy must be irrevocably assigned to a trustee, and the seller may not borrow against, pledge, withdraw, or impair the cash value of the policy;

(2) specify that only the purchaser, acting by written notice to the seller, may revoke the contract within thirty (30) days after the date the contract is signed by the purchaser and the seller and that the contract becomes irrevocable upon the expiration of the thirty (30) day period;

(3) specify that, if the contract is revoked, the seller shall refund and return to the purchaser, without interest, the cash or insurance policy used to fund the contract;

(4) specify that not more than thirty (30) days after the contract is signed by the purchaser and the seller, the whole of the cash or insurance policy serving as consideration for the contract must be deposited into a trust or escrow authorized by subsection (c) or (d). However, a seller may elect to serve as trustee of a previously existing life insurance contract;

(5) except as provided in subsection (f), unconditionally require that the seller shall deliver all services or merchandise, or both, specified in the contract and receive as consideration for the delivery of services or

merchandise, or both, only the cash or insurance policy held in trust or escrow without regard to the solvency of the insurer or the adequacy or loss in value of any cash deposit or insurance policy used to fund a contract;

(6) except as provided in subsection (f), prohibit a seller from imposing additional charges to recover any shortage or difference between the retail prices for services or merchandise, or both, in effect on the date of delivery of the services or merchandise, or both, and the value of the trust or escrow applicable to the contract on the date of delivery;

(7) require that a seller accepting the transfer of a contract permitted under section 13 of this chapter shall honor the requirements and obligations of the contract;

(8) permit the seller to assess a finance charge on a contract sold on an installment basis and require that the seller disclose to the purchaser the applicable requirements of federal and Indiana law;

(9) provide that the contract must comply with the following requirements:

(A) The contract must be made in a form that is:

- (i) written in clear and understandable language; and
- (ii) printed in a size and style of type that is easy to read.

(B) The contract must describe the services, merchandise, or cash advance items being purchased.

(C) The contract must identify the following by name, address, and telephone number:

- (i) The seller.
- (ii) The purchaser.
- (iii) The contract beneficiary if the beneficiary is an individual other than the purchaser.

(D) The contract must contain the seller's certificate of authority number and the date of the contract.

(E) The contract must provide that if an item of the particular services or merchandise specified in the contract is unavailable at the time of delivery, the seller shall deliver services or merchandise similar in style, quality, and of equal value to the unavailable item in the place of the item.

(F) The contract must disclose the precise manner in which the contract is to be funded by:

- (i) identifying the consideration for the contract;
- (ii) identifying the name, number, if known, and issuer of any insurance policy used to fund the contract; and
- (iii) including the identity and location of the trustee or escrow agent who is to hold the trust or escrow.

(G) The contract must disclose that the seller reserves the right to assess an extra charge for:

- (i) transportation costs;
- (ii) services or merchandise incurred in the transport of human remains a distance greater than twenty-five (25) miles from the seller's place of business; and
- (iii) service charges necessarily incident to the transport of human remains and in excess of those service charges specified in the contract.

(H) The contract must disclose the following:

- (i) The amount, if any, the seller has elected to receive under subsection (c)(1) or subsection (d)(6).
- (ii) That a commission or fee may be paid to the seller or the seller's agent on a contract funded under ~~subsection (b)(1)(B)(i):~~ **subdivision (1)(B)(i).**

(10) specify that a purchaser has the unrestricted right to designate one (1) or more successor sellers to whom the contract may be transferred under section 13 of this chapter, but that such a transfer is effective only with the consent of the newly designated seller and upon the fulfillment of the other requirements of section 13 of this

chapter;

(11) specify that if cash advance items are funded in the contract, the seller agrees to deliver the cash advance items under one (1) of the following alternatives:

(A) Delivery is unconditionally guaranteed at the option of the seller.

(B) Delivery is conditionally guaranteed for a seller and will be equal in value to the total value of the trust or escrow account maintained for the purchaser multiplied by the percentage of the total original contract price represented by cash advance items;

(12) specify that a release from trust or escrow shall occur only upon the seller's delivery of services or merchandise, or both;

(13) permit, at the option of the seller, the incorporation of the trust or escrow language contained in subsection (c) or (d) directly into the contract;

(14) prohibit the seller from charging any service, transaction, or other type of fee or charge unless the fee is:

(A) authorized under subsections (c)(1) and (d)(6) and section 27 of this chapter; or

(B) included within the definitions contained in section 8 or 11.5 of this chapter.

(c) A trust account authorized and established under this chapter must do all of the following:

(1) Be irrevocable and require either of the following:

(A) The seller deposit the insurance policy used to fund the contract into the trust account. However, for contracts funded after June 30, 1995, with a previously issued insurance policy, the seller may serve instead of a trustee if the seller is qualified to do so under section 11(c) of this chapter.

(B) The seller deposit the cash used to fund the contract into the trust account. However, as consideration for the sale of the contract and any expense incurred by the seller in conjunction with the sale of the contract, the contract must permit the seller to notify, within a ten (10) day period following the date the contract becomes irrevocable, the trustee of its election to receive only up to ten percent (10%) of the seller's original contract price for services or merchandise, or both.

(2) Designate the seller as the beneficiary of the trust.

(3) Designate a trustee qualified under this chapter and authorize the trustee to assess the charges authorized under section 18 of this chapter.

(4) Require that a separate account be maintained in the name of each purchaser.

(5) Require that any interest, dividend, or accumulation in the account be reinvested and added to the principal.

(6) Permit the assets of the several, separate accounts to be commingled for investment purposes.

(7) Require that on receipt of the seller's proof of delivery of services or merchandise the trustee shall remit to the seller the full amount in trust applicable to the purchaser's contract and all of the accumulated interest.

(8) Permit the seller to retain the remaining amount if the amount in the trust account is greater than the seller's total current retail price of all services and merchandise subject to the contract at the time of delivery of all services or merchandise subject to the contract. However, in the case of a contract funded under subsection (b)(1)(B)(ii), the seller may not retain the remaining amount but must pay the remaining amount to the entity or individual designated by the insured as the beneficiary of the death benefit proceeds not later than sixty (60) days after the receipt and deposit of the proceeds by the seller. The seller may not qualify as a beneficiary of the remaining amount or the insurance death benefit. In the case of all other contracts funded under this chapter, the seller may opt to return the

remaining amount to the individual designated by the purchaser to receive the remainder or to the purchaser's estate.

(d) An escrow account authorized and established under this chapter must do all of the following:

- (1) Be irrevocable and require that the seller deposit all cash or the insurance policy used to fund the contract into the escrow account.
- (2) Designate the seller as the recipient of the escrow funds.
- (3) Designate an escrow agent qualified under this chapter to act as escrow agent and authorize the escrow agent to assess the charges authorized under section 18 of this chapter.
- (4) Require that the escrow account be maintained in the name of the seller and serve as a depository for all cash or insurance policies used to fund contracts sold by the seller.
- (5) Permit the investment of and commingling of cash for investment purposes.
- (6) Permit the seller to receive an administrative or service fee at the option of the seller. The seller may opt to receive the fee after the day following the date the contract becomes irrevocable. The amount of the fee may not exceed ten percent (10%) of the seller's total contract price for services or merchandise or both.
- (7) Require that on delivery of services or merchandise, the escrow agent shall remit to the seller an amount equal to:
 - (A) the seller's original retail price as set forth in the contract for the services or merchandise delivered; minus
 - (B) the amount, if any, received by the seller under subdivision (6).
- (8) Permit the seller to receive monthly payments of the interest, **gains, and dividends** earned and the **appreciation accumulation** in the value of the escrow assets to the extent that the total value of the escrow after a payment authorized under this subdivision is not less than:
 - (A) the original contract value of all services or merchandise under the contracts, or parts of the contracts that remain undelivered; minus
 - (B) the amounts, if any, received by the seller under subdivision (6).

(e) A trust account or an escrow account established under this section must contain a concise written description of all the provisions of this chapter that apply to the account.

(f) A seller's guarantee of delivery of all services or merchandise subject to a contract sold by the seller or transferred to a seller is unconditional except in the instance of one (1) of the following circumstances:

- (1) An installment contract funded with cash or an insurance policy issued in conjunction with the contract is guaranteed to the extent of the cash paid or death benefits available at the time of death of the individual for whom services or merchandise are to be provided.
- (2) A contract funded with an insurance policy issued previously and not in conjunction with the contract is guaranteed to the extent of the death benefit proceeds available at the time of the individual for whom services or merchandise are to be provided.
- (3) A contract funded with an insurance policy issued in conjunction with the contract, but having a limited or qualified death benefit period, is guaranteed to the extent of the death benefit proceeds available at the time of the death of the individual for whom services or merchandise are to be provided.
- (4) A transportation expense incurred by the seller while transporting human remains a distance greater than twenty-five (25) miles from the seller's place of business, plus any charge for services or merchandise necessarily

incident to the transport of the human remains.

(5) The seller agrees to conditionally guarantee the delivery of cash advance items under subsection (b)(11)(B).

In the instance of unguaranteed delivery, the seller may reduce the value or number of the services or merchandise subject to the contract or cash advance items delivered or deliver the services or merchandise in full on the condition that the seller receives adequate consideration to compensate the seller for the unguaranteed part of the contract.

(g) The entire value of an escrow or trust established under this chapter may not be considered as a resource in determining a person's eligibility for Medicaid under IC 12-15-2-17.

(h) This chapter does not prohibit a purchaser from immediately making the trust or escrow required under this chapter irrevocable and assigning ownership of an insurance policy used to fund a contract to obtain favorable consideration for Medicaid, Supplemental Security Income, or another public assistance program under federal or state law.

(i) A seller may not accept or deposit into a trust or escrow account cash, an insurance policy, or any other property as consideration for services or merchandise to be provided in the future except in conjunction with a contract authorized by this chapter."

Renumber all SECTIONS consecutively.

(Reference is to ESB 500 as printed April 3, 2007.)

ESPICH

Motion failed.

HOUSE MOTION (Amendment 500-9)

Mr. Speaker: I move that Engrossed Senate Bill 500 be amended to read as follows:

Page 2, delete lines 24 through 42.

Delete pages 3 through 5.

Page 6, delete lines 1 through 4.

Page 6, delete line 23.

Page 6, line 24, delete "(9)" and insert "(8)".

Page 6, line 25, delete "(10)" and insert "(9)".

Renumber all SECTIONS consecutively.

(Reference is to ESB 500 as printed April 3, 2007.)

LEONARD

Motion prevailed.

HOUSE MOTION (Amendment 500-10)

Mr. Speaker: I move that Engrossed Senate Bill 500 be amended to read as follows:

Page 28, delete lines 11 through 31, begin a new paragraph and insert:

"SECTION 22. IC 6-2.5-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) In order to compensate retail merchants for collecting and timely remitting the state gross retail tax and the state use tax, every retail merchant, except a retail merchant referred to in subsection (c), is entitled to deduct and retain from the amount of those taxes otherwise required to be remitted under IC 6-2.5-7-5 or under this chapter, if timely remitted, a retail merchant's collection allowance.

(b) The allowance equals ~~eighty-three hundredths percent (0.83%)~~ **a percentage** of the retail merchant's state gross retail and use tax liability accrued during a reporting period, **specified as follows:**

(1) Eighty-three hundredths percent (0.83%) on the first seven hundred fifty thousand dollars (\$750,000) of the retail merchant's accrued state gross retail and use tax liability for the calendar year of the reporting period.

(2) Thirteen-hundredths percent (0.13%) on the retail merchant's accrued state gross retail and use tax

liability in excess of seven hundred fifty thousand dollars (\$750,000) for the calendar year of the reporting period.

(c) A retail merchant described in IC 6-2.5-4-5 or IC 6-2.5-4-6 is not entitled to the allowance provided by this section."

Page 71, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 57. [EFFECTIVE JULY 1, 2007] (a) IC 6-2.5-6-10, as amended by this act, applies to reporting periods beginning after June 30, 2007.

(b) The amount of a retail merchant's state gross retail and use tax liability under IC 6-2.5 accrued during the period beginning after December 31, 2006, and ending before July 1, 2007, must be used to determine the applicable percentage applied under IC 6-2.5-6-10(b), as amended by this act, for a reporting period beginning after June 30, 2007, and ending before January 1, 2008."

Renumber all SECTIONS consecutively.

(Reference is to ESB 500 as printed April 3, 2007.)

THOMPSON

Motion prevailed.

HOUSE MOTION

(Amendment 500-6)

Mr. Speaker: I move that Engrossed Senate Bill 500 be amended to read as follows:

Page 45, line 3, strike "four hundred dollars (\$400)." and insert "**one thousand dollars (\$1,000).**"

Page 46, line 2, strike "one thousand dollars (\$1,000)" and insert "**two thousand five hundred dollars (\$2,500).**"

(Reference is to ESB 500 as printed April 3, 2007.)

THOMPSON

Motion prevailed.

HOUSE MOTION

(Amendment 500-15)

Mr. Speaker: I move that Engrossed Senate Bill 500 be amended to read as follows:

Page 44, delete lines 18 through 25.

Renumber all SECTIONS consecutively.

(Reference is to ESB 500 as printed April 3, 2007.)

THOMPSON

Motion prevailed.

Representative Whetstone was excused.

HOUSE MOTION

(Amendment 500-14)

Mr. Speaker: I move that Engrossed Senate Bill 500 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-10-20 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 20. State Combined Reserves Distribution

Sec. 1. As used in this chapter, "fund" refers to the property tax elimination fund established under section 4 of this chapter.

Sec. 2. As used in this chapter, "state combined reserves" means the sum of the balance in the following:

(1) The counter-cyclical revenue and economic stabilization fund established under IC 4-10-18.

(2) The Medicaid contingency and reserve account established under IC 4-12-1-15.5.

(3) The tuition reserve and the state general fund reserve as determined by the budget agency under IC 4-12-1-12.

Sec. 3. As used in this chapter, "state fiscal year" means a twelve (12) month period beginning on July 1 and ending on

June 30 in the immediately following fiscal year.

Sec. 4. The property tax elimination fund is established. The fund shall be administered by the treasurer of state. The fund consists of transfers made under section 9 of this chapter. The money in the fund may only be used for the following purposes:

(1) To replace property taxes if a state constitutional amendment to eliminate or repeal property taxes is ratified.

(2) To augment the state combined reserves as provided in section 9 of this chapter.

Sec. 5. The expenses of administering the fund shall be paid from money in the fund.

Sec. 6. The treasurer of state shall invest money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

Sec. 7. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 8. On June 30 of each state fiscal year, the budget agency shall determine a fraction (expressed as a percentage) for which:

(1) the numerator is the balance of the state combined reserves; and

(2) the denominator is the sum of the total revenue deposited in the state general fund and the property tax replacement fund for the state fiscal year.

The budget agency shall forward this percentage to the auditor.

Sec. 9. If the percentage determined in section 8 of this chapter:

(1) is greater than seven percent (7%), the auditor shall transfer an amount equal to the difference between the percentage determined in section 8 of this chapter and seven percent (7%) from the state combined reserves to the property tax elimination fund; and

(2) is less than two percent (2%), the auditor shall transfer an amount equal to the difference between two percent (2%) and the percentage determined in section 8 of this chapter from the property tax elimination fund to the state combined reserves."

Renumber all SECTIONS consecutively.

(Reference is to ESB 500 as printed April 3, 2007.)

THOMPSON

Representative E. Harris rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was not well taken.

The question then was on the motion of Representative Thompson (500-14). Upon request of Representatives Thompson and Friend, the Speaker ordered the roll of the House to be called. Roll Call 460: yeas 76, nays 21. Motion prevailed. The bill was ordered engrossed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:10 p.m. with the Speaker in the Chair.

Representatives Cherry and GiaQuinta were excused. Representative Whetstone, who had been excused, was present.

Representative T. Brown rose to a point of order requesting a quorum call.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 461: 67 present.

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On April 9, 2007, I signed into law House Enrolled Acts 1034, 1051, 1358, 1434, 1555, 1762, and 1818.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1019, 1067, 1116, 1241, 1348, 1373, 1379, 1429, 1452, 1461, 1722, and 1767 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bill 1742 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 193 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and Rogers
Advisors: C. Lawson, Dillon, Simpson, and Hume

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 320 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and Errington
Advisors: Delph, Becker, Sipes, and S. Smith

MARY C. MENDEL
Principal Secretary of the Senate

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 480

Representative Reske called down Engrossed Senate Bill 480 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 480-9)

Mr. Speaker: I move that Engrossed Senate Bill 480 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10.4-4-8, AS AMENDED BY P.L.119-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) This subsection applies to a member who retires before July 1, 1980. A member who had completed four (4) years of approved college teacher education before voluntary or involuntary induction into the military services is entitled to credit for that service as if the

member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if before or during the leave of absence the member pays into the fund the member's contributions. Time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule set forth in section 7 of this chapter.

(b) This subsection applies to a member who retires after June 30, 1980. A member who completed four (4) years of approved college teacher education before voluntary or involuntary induction into military service is entitled to credit for the member's active military service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if the following conditions are met:

- (1) The member has an honorable discharge.
- (2) Except as provided in subsection (e), the member returns to active teaching service not later than ~~eighteen (18)~~ **twenty-four (24)** months after the completion of active military service.
- (3) The member has at least ten (10) years of in-state service credit.

The time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(c) This subsection applies to a member who retires after May 1, 1989. A member who had begun but had not completed four (4) years of approved college teacher education before voluntary or involuntary induction into the military services is entitled to service credit in an amount equal to the duration of the member's active military service if the following conditions are met:

- (1) The member has an honorable discharge.
- (2) Except as provided in subsection (e), the member returns to a four (4) year approved college teacher training program not later than ~~eighteen (18)~~ **twenty-four (24)** months after the completion of active military service and subsequently completes that program.
- (3) The member has at least ten (10) years of in-state service credit.

The time served by a member in active military service for the length of active service in the hostilities and the necessary demobilization is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(d) This subsection applies to a member who retires after May 1, 1991, and who is employed at a state institution of higher education. A member who had begun but had not completed baccalaureate or post-baccalaureate education before voluntary or involuntary induction into military service is entitled to the member's active military service credit for the member's active military service in an amount equal to the duration of the member's military service if the following conditions are met:

- (1) The member received an honorable discharge.
- (2) Except as provided in subsection (e), the member returns to baccalaureate or post-baccalaureate education not later than ~~eighteen (18)~~ **twenty-four (24)** months after completion of active military service and subsequently completes that education.
- (3) The member has at least ten (10) years of in-state service credit.

The time served by a member in active military service for the length of active service in the hostilities and the necessary demobilization is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of

military service credit may be granted under this subsection.

(e) The board shall extend the ~~eighteen (18)~~ **twenty-four (24)** month deadline contained in subsection (b)(2), (c)(2), or (d)(2) if the board determines that an illness, an injury, or a disability related to the member's military service prevented the member from returning to active teaching service or to a teacher education program not later than ~~eighteen (18)~~ **twenty-four (24)** months after the member's discharge from military service. However, the board may not extend the deadline beyond thirty (30) months after the member's discharge.

(f) If a member retires and the board subsequently determines that the member is entitled to additional service credit due to the extension of a deadline under subsection (e), the board shall recompute the member's benefit. However, the additional service credit may be used only in the computation of benefits to be paid after the date of the board's determination, and the member is not entitled to a recomputation of benefits received before the date of the board's determination.

(g) Notwithstanding any provision of this section, a member is entitled to military service credit and benefits in the amount and to the extent required by the federal Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.), including all later amendments.

(h) Subject to this section, an active member may purchase not more than two (2) years of service credit for the member's service on active duty in the armed services if the member meets the following conditions:

- (1) The member has at least one (1) year of credited service in the fund.
- (2) The member serves on active duty in the armed services of the United States for at least six (6) months.
- (3) The member receives an honorable discharge from the armed services.
- (4) Before the member retires, the member makes contributions to the fund as follows:

(A) Contributions that are equal to the product of:

- (i) the member's salary at the time the member actually makes a contribution for the service credit;
- (ii) a rate, determined by the actuary of the fund, that is based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased; and
- (iii) the number of years of service credit the member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

However, a member is entitled to purchase service credit under this subsection only to the extent that service credit is not granted for that time under another provision of this section. At least ten (10) years of service in Indiana is required before a member may receive a benefit based on service credits purchased under this section. A member who terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance or receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act may withdraw the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the fund.

(i) The following apply to the purchase of service credit under subsection (h):

- (1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.

(j) This subsection applies to a member who retires after June 30, 2006. A member may not receive credit under this section for service for which the member receives service credit under the terms of a military or another governmental retirement plan.

(k) Notwithstanding any provision of this section, a member who:

- (1) has at least ten (10) years of in-state teaching service;**
- (2) served on active duty in the armed forces of the United States before February 1, 1955;**
- (3) received an honorable discharge;**
- (4) is not entitled to receive a pension for service in the armed forces of the United States; and**
- (5) is not entitled to military service credit under subsections (a) through (g) for purposes of determining eligibility for or the computation of benefits under this chapter;**

is entitled to service credit in an amount equal to the duration of the member's military service. However, not more than six (6) years of service credit may be granted under this subsection. The service credit may be used only in the computation of benefits to be paid after June 30, 2007, and only after the board determines that the member is eligible for the service credit."

Renumber all SECTIONS consecutively.

(Reference is to ESB 480 as printed April 6, 2007.)

RESKE

Motion prevailed.

HOUSE MOTION (Amendment 480-7)

Mr. Speaker: I move that Engrossed Senate Bill 480 be amended to read as follows:

Page 13, delete lines 36 through 39, begin a new paragraph and insert:

"SECTION 13. IC 21-13-1-4, AS ADDED BY SEA 526-2007, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. "Eligible student", for purposes of section 8 of this chapter, means a person who

(1) **either:**

(A) is a member of the Indiana National Guard:

~~(A)~~ **(i) in active drilling status; and**

~~(B)~~ **(ii) who has not been absent without leave within the twelve (12) months immediately preceding the date the person applies for a tuition scholarship under this chapter; or**

(B) a former member of the Indiana National Guard who was called to active duty at least one (1) time while a member of the Indiana National Guard;

(2) does not possess a bachelor's degree from an approved postsecondary educational institution;

(3) possesses the requisite academic qualifications;

(4) meets the requirements of the state educational institution in which the person is enrolled or will enroll; and

(5) meets all other eligibility requirements as determined by the commission.

SECTION 14. IC 21-13-4-3, AS ADDED BY SEA 526-2007, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. Each scholarship awarded under this chapter:

- (1) may be renewed under this chapter for a total

scholarship award that does not exceed the equivalent of ~~eight (8) semesters; one hundred twenty-four (124) semester credit hours; and~~

(2) is subject to other eligibility criteria as established by the commission.

SECTION 15. IC 21-13-4-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. (a) This section applies to an eligible student who was called to active duty at least one (1) time while a member of the Indiana National Guard.**

(b) After the eligible student ceases to be a member of the Indiana National Guard, the eligible student is entitled to have the eligible student's eligibility for tuition assistance extended for an amount of time equal to the amount of time the eligible student spent on active duty."

Page 13, line 40, delete "Sec. 1. As used in this chapter, "active" and insert "SECTION 16. IC 21-14-1-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.3. "Active".**

Page 14, line 1, delete "Sec. 2. As used in this chapter, "armed" and insert "SECTION 17. IC 21-14-1-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.7. "Armed".**

Page 14, delete lines 8 through 9, begin a new paragraph and insert:

"SECTION 18. IC 21-14-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 9. Resident Tuition for Active Duty Military Personnel".

Page 14, line 10, delete "4. (a)" and insert "1."

Page 14, line 19, delete "(b)" and insert "**Sec. 2.**".

Page 14, line 19, delete "subsection (a)" and insert "**section 1 of this chapter**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 480 as printed April 6, 2007.)

AVERY

Motion prevailed.

HOUSE MOTION (Amendment 480-8)

Mr. Speaker: I move that Engrossed Senate Bill 480 be amended to read as follows:

Page 13, delete lines 36 through 39, begin a new paragraph and insert:

"SECTION 13. IC 21-12-4-2, AS ADDED BY SEA 526-2007, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. (a) A person is eligible for a freedom of choice grant if the person qualifies under subsection (b) or (c).**

(b) A person qualifies for a freedom choice grant if:

(1) the person is qualified for a higher education award under the terms of IC 21-12-3-1, IC 21-12-3-2, and IC 21-12-3-3 or IC 21-12-3-4 and IC 21-12-3-5, even if lack of funds prevents the award or grant;

(2) the person has a financial need that exceeds the award, as determined in accordance with:

(A) this chapter, IC 21-11, IC 21-12-2, and IC 21-12-3; and

(B) the rules of the commission; and

(3) the person will attend an approved postsecondary educational institution that:

(A) either:

(i) operates in Indiana, provides an organized two (2) year or longer program of collegiate grade directly creditable toward a baccalaureate degree, is operated by a nonprofit entity, and is accredited by a

recognized regional accrediting agency or the commission on proprietary education; or

(ii) is a hospital that operates a nursing diploma program that is accredited by the Indiana state board of nursing; and

(B) is operated privately and not administered or controlled by any state agency or entity.

(c) A person qualifies for a freedom of choice grant if the person:

(1) qualifies for a tuition exemption under IC 21-14-4 or IC 21-14-10; and

(2) will attend an approved postsecondary educational institution that:

(A) either:

(i) operates in Indiana, provides an organized two (2) year or longer program of collegiate grade directly creditable toward a baccalaureate degree,

is operated by a nonprofit entity, and is accredited by a recognized regional accrediting agency or the commission on proprietary education; or

(ii) is a hospital that operates a nursing diploma program that is accredited by the Indiana state board of nursing; and

(B) is operated privately and not administered or controlled by any state agency or entity.

SECTION 14. IC 21-12-4-3, AS ADDED BY SEA 526-2007, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. Freedom of choice grant renewals are governed by the same conditions as are set forth in IC 21-12-3-9. However, the condition described in section IC 21-12-3-9(3) does not apply to the renewal of a grant awarded under section 2(c) of this chapter.**

SECTION 15. IC 21-12-4-4, AS ADDED BY SEA 526-2007, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. (a) Except as provided in subsection (b), the amount of a freedom of choice grant may not exceed the difference between:**

(1) the amount of the total financial need of the student, as determined under the commission's rules; and

(2) the:

(A) higher education award made under IC 21-12-3-1, IC 21-12-3-2, and IC 21-12-3-3 or IC 21-12-3-4 and IC 21-12-3-5; or

(B) sum necessary to pay educational costs at the institution;

whichever is smaller.

(b) For freedom of choice grants awarded under section 2(c) of this chapter, the amount of the grant may not exceed the statewide average of educational costs assessed at all state educational institutions, as determined by the commission.

SECTION 16. IC 21-13-1-4, AS ADDED BY SEA 526-2007, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 4. (a) "Eligible student", for purposes of section 8 of this chapter, means a person who:**

(1) either:

(A) is a member of the Indiana National Guard who:

~~(A) (i) is in active drilling status; and~~

~~(B) (ii) who has not been absent without leave within the twelve (12) months immediately preceding the date the person applies for a tuition scholarship under this chapter; or~~

(B) is a former member of the Indiana National Guard who was called to active duty at least one (1) time while a member of the Indiana National Guard;

(2) does not possess a bachelor's degree from an approved postsecondary educational institution;

(3) possesses the requisite academic qualifications;

(4) meets the requirements of the state educational institution in which the person is enrolled or will enroll;

and

(5) meets all other eligibility requirements as determined by the commission.

SECTION 17. IC 21-13-4-3, AS ADDED BY SEA 526-2007, SECTION 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. Each scholarship awarded under this chapter:

(1) may be renewed under this chapter for a total scholarship award that does not exceed the equivalent of ~~eight (8) semesters; one hundred twenty-four (124) semester credit hours;~~ and

(2) is subject to other eligibility criteria as established by the commission.

SECTION 18. IC 21-13-4-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) This section applies to an eligible student who was called to active duty at least one (1) time while a member of the Indiana National Guard.

(b) After the eligible student ceases to be a member of the Indiana National Guard, the eligible student is entitled to have the eligible student's eligibility for tuition assistance extended for an amount of time equal to the amount of time the eligible student spent on active duty."

Page 13, line 40, delete "Sec. 1. As used in this chapter, "active", and insert "SECTION 19. IC 21-14-1-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.3. "Active".

Page 13, line 40, delete "means" and insert "means:

(1) for the purposes of IC 21-14-9,".

Page 13, line 42, delete "." and insert "; and

(2) for the purposes of IC 21-14-10, full-time service by an individual in the armed forces of the United States for the least of the following periods:

(A) Twenty-four (24) consecutive months.

(B) The entire period during which deployment orders are in effect for the individual.

(C) Any period of service from which the individual is released due to a service connected disability.

SECTION 20. IC 21-14-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.5. "Alternative financial aid" means, for the purposes of IC 21-14-10, any need or merit based financial aid, from any source, for payment of tuition or fees at a state educational institution. The term does not include an application for a tuition and fee exemption provided by this chapter."

Page 14, line 1, delete "Sec. 2. As used in this chapter, "armed" and insert "SECTION 21. IC 21-14-1-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.7. "Armed".

Page 14, line 2, delete "any of the following:" and insert "the following:

(1) For the purposes of IC 21-14-9,".

Page 14, line 3, delete "(1)", begin a new line double block indented and insert:

"(A)".

Page 14, line 4, delete "(2)", begin a new line double block indented and insert:

"(B)".

Page 14, line 5, delete "(3)", begin a new line double block indented and insert:

"(C)".

Page 14, line 6, delete "(4)", begin a new line double block indented and insert:

"(D)".

Page 14, line 7, delete "(5)", begin a new line double block indented and insert:

"(E)".

Page 14, between lines 7 and 8, begin a new line block indented and insert:

"(2) For the purposes of IC 21-16-10, armed forces (as defined in IC 5-9-4-3).

Page 14, delete lines 8 through 9, begin a new paragraph and insert:

"SECTION 22. IC 21-14-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3.5. "Department" refers, for the purposes of IC 21-14-10, to the Indiana department of veterans' affairs established by IC 10-17-1-2.

SECTION 23. IC 21-14-1-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5.7. "National Guard", for the purposes of IC 21-14-10, has the meaning set forth in IC 5-9-4-4.

SECTION 24. IC 21-14-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 9. Resident Tuition for Active Duty Military Personnel".

Page 14, line 10, delete "4. (a)" and insert "1."

Page 14, line 19, delete "(b)" and insert "Sec. 2."

Page 14, line 19, delete "subsection (a)" and insert "section 1 of this chapter".

Page 14, between lines 23 and 24, begin a new paragraph and insert:

SECTION 25. IC 21-14-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 10. Tuition Exemption for Veterans

Sec. 1. An individual who:

(1) lists Indiana as the individual's state of residence when the individual enlists in the armed forces of the United States or the National Guard;

(2) suffers while serving on active duty a service connected disability as determined by the United States Department of Veterans Affairs or the United States Department of Defense;

(3) serves any part of the individual's service on active duty:

(A) after September 10, 2001; and

(B) before a date to be set by presidential proclamation or federal law as the conclusion of the war on terror described in the presidential address to a joint session of Congress on September 20, 2001;

(4) receives any discharge or separation from the armed forces of the United States or the National Guard other than a dishonorable discharge;

(5) is eligible to pay the resident tuition rate (as determined by the institution) at the state educational institution the person will attend;

(6) possesses the requisite academic qualifications for enrollment in the state educational institution the person will attend; and

(7) provides proof, as required by the state student assistance commission, that the individual has attempted to obtain alternative financial aid;

is exempt from the payment of tuition and mandatory fees for one hundred twenty-four (124) semester credit hours at the state educational institution in which the individual is enrolled or will enroll.

Sec. 2. For purposes of section 1(7) of this chapter, the state student assistance commission:

(1) must provide notice in writing to individuals seeking a tuition exemption under this chapter of the proof required under section 1(7) of this chapter; and

(2) may establish requirements concerning the type and amount of alternative financial aid that an individual must attempt to obtain before the individual may receive a tuition exemption under this chapter.

Sec. 3. For purposes of this chapter, the commission for higher education shall define the mandatory fees in consultation with the state student assistance commission.

Sec. 4. If an individual who qualifies for or is receiving the tuition exemption under this chapter receives financial assistance from:

- (1) a program under federal law;
- (2) other tuition exemptions under IC 21-14-4 or IC 21-14-7;
- (3) the National Guard tuition supplement program under IC 21-13-4; or
- (4) any other source, including private sources;

that is specifically designated for tuition and mandatory fees at the state educational institution, the state educational institution shall deduct the amount of the financial assistance specifically designated for tuition and mandatory fees from the amount of the individual's tuition exemption under this chapter.

Sec. 5. If an individual who qualifies for or is receiving the tuition exemption under this chapter earns or is awarded a cash scholarship from any source that is paid or payable to the state educational institution in which the individual is enrolled or will enroll, the state educational institution shall credit the amount of the cash scholarship to the individual for the payment of incidental expenses incurred by the individual in attending the state educational institution, with the balance, if any, of the award, if the terms of the scholarship permit, paid to the individual.

Sec. 6. (a) The department shall determine whether an individual is eligible for the tuition exemption under this chapter.

(b) An applicant for the tuition exemption shall make a written request to the director of the department for a determination of the individual's eligibility.

(c) The director of the department shall make a written determination of an applicant's eligibility in response to a request under subsection (b).

(d) An applicant may appeal in writing an adverse determination under subsection (c) to the veterans' affairs commission established by IC 10-17-1-3 not more than fifteen (15) business days after the date the applicant receives the determination.

(e) The veterans' affairs commission shall issue a final order not more than fifteen (15) business days after the veterans' affairs commission receives a written appeal under subsection (d).

Sec. 7. A person who knowingly or intentionally submits a false or misleading application or other document under this chapter commits a Class A misdemeanor."

Renumber all SECTIONS consecutively.

(Reference is to ESB 480 as printed April 6, 2007.)

AVERY

Motion prevailed.

HOUSE MOTION (Amendment 480-1)

Mr. Speaker: I move that Engrossed Senate Bill 480 be amended to read as follows:

- Page 9, line 16, strike "the first".
- Page 9, line 16, delete "five".
- Page 9, line 16, strike "thousand".
- Page 9, line 17, strike "dollars".
- Page 9, line 17, delete "\$5,000".
- Page 9, line 17, strike "of".
- Page 9, line 23, delete "." and insert "as follows:

(1) For the taxable year beginning in 2008, the greater of five thousand dollars (\$5,000) or twelve and five-tenths percent (12.5%) of the individual's income described in this subsection.

(2) For the taxable year beginning in 2009, the greater of five thousand dollars (\$5,000) or twenty-five percent (25%) of the individual's income described in this subsection.

(3) For the taxable year beginning in 2010, the greater of five thousand dollars (\$5,000) or thirty-seven and five-tenths percent (37.5%) of the individual's income described in this subsection.

(4) For the taxable year beginning in 2011, the greater of five thousand dollars (\$5,000) or fifty percent (50%) of the individual's income described in this subsection.

(5) For the taxable year beginning in 2012, the greater of five thousand dollars (\$5,000) or sixty-two and five-tenths percent (62.5%) of the individual's income described in this subsection.

(6) For the taxable year beginning in 2013, the greater of five thousand dollars (\$5,000) or seventy-five percent (75%) of the individual's income described in this subsection.

(7) For the taxable year beginning in 2014, the greater of five thousand dollars (\$5,000) or eighty-seven and five-tenths percent (87.5%) of the individual's income described in this subsection.

(8) For taxable years beginning in 2015 and thereafter, one hundred percent (100%) of the individual's income described in this subsection."

Page 9, line 23, beginning with "However," begin a new line blocked left.

(Reference is to ESB 480 as printed April 6, 2007.)

RUPPEL

Motion prevailed.

HOUSE MOTION (Amendment 480-6)

Mr. Speaker: I move that Engrossed Senate Bill 480 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning military affairs and to make an appropriation.

Page 15, after line 13, begin a new paragraph and insert:

"SECTION 18. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "veteran" has the meaning set forth in IC 9-18-50-1(1).

(b) On Memorial Day Weekend, the Indiana department of veterans' affairs shall place the United States flag on the grave of every veteran interred in Indiana.

(c) There is appropriated to the Indiana department of veterans' affairs forty-eight thousand dollars (\$48,000) from the state general fund for expenses incurred under subsection (b) for the biennium beginning July 1, 2007, and ending June 30, 2009.

(d) This SECTION expires December 31, 2009."

(Reference is to ESB 480 as printed April 6, 2007.)

WALORSKI

Representative Pelath rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 472

Representative Reske called down Engrossed Senate Bill 472 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 472-2)

Mr. Speaker: I move that Engrossed Senate Bill 472 be amended to read as follows:

Page 4, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 12. IC 22-11-14-12, AS ADDED BY P.L.187-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A user fee, known as the public safety fee, is imposed on retail transactions made in Indiana of fireworks, in accordance with section 13 of this chapter.

(b) A person who acquires fireworks in a retail transaction is liable for the public safety fee on the transaction and, except as otherwise provided in this chapter, shall pay the public safety fee to the retailer as a separate added amount to the consideration in the transaction. The retailer shall collect the public safety fee as an agent for the state.

(c) The public safety fee shall be deposited in the state general fund. **The auditor of state shall annually transfer the money received from the public safety fee as follows:**

(1) Two million dollars (\$2,000,000) shall be deposited in the regional public safety training fund established by IC 10-15-3-12.

(2) Any additional money received shall be deposited in the state disaster relief fund established by IC 10-14-4-5.

(d) The department of state revenue shall adopt rules under IC 4-22-2 necessary for the collection of the public safety fee ~~monies~~ money from retailers as described in subsections (b) and (c)."

Renumber all SECTIONS consecutively.

(Reference is to ESB 472 as printed April 6, 2007.)

RESKE

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 45

Representative L. Lawson called down Engrossed Senate Bill 45 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 45-6)

Mr. Speaker: I move that Engrossed Senate Bill 45 be amended to read as follows:

Page 10, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 10. IC 35-50-2-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) **The state may seek, on a page separate from the rest of a charging instrument, to have a person who allegedly committed a felony offense sentenced to an additional fixed term of imprisonment if the state can show beyond a reasonable doubt that the person knowingly or intentionally:**

(1) selected the individual who was the victim of the felony offense; or

(2) damaged or otherwise affected property by the commission of the felony offense;

because of the color, creed, disability, national origin, race, religion, sexual orientation, gender identity, sex, or any other characteristic or belief of the victim of the offense or the owner or occupant of the property damaged or otherwise affected by the offense.

(b) If the person is convicted of the felony offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(c) If the jury (if the hearing is by jury) or the court (if the

hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person knowingly or intentionally selected the individual who was the victim of the felony offense or

damaged or otherwise affected property by the commission of the felony offense because of the color, creed, disability, national origin, race, religion, sexual orientation, gender identity, sex, or any other characteristic or belief of the victim of the offense or the owner or occupant of the property damaged or otherwise affected by the offense, the court shall:

(1) sentence the person to an additional fixed term of imprisonment equal to the sentence imposed for the underlying felony, if the person is being sentenced for only one (1) felony; or

(2) sentence the person to an additional fixed term of imprisonment equal to the longest sentence imposed for the underlying felonies, if the person is being sentenced for more than one (1) felony.

(d) A sentence imposed under this section must run consecutively to the underlying sentence.

(e) A term of imprisonment imposed under this section may not be suspended."

Renumber all SECTIONS consecutively.

(Reference is to ESB 45 as printed April 6, 2007.)

PORTER

Representative Whetstone rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 45 a bill pending before the House. The Speaker ruled the point was not well taken.

The question then was on the motion of Representative Porter (45-6). Upon request of Representatives Porter and Crawford, the Speaker ordered the roll of the House to be called. Roll Call 462: yeas 45, nays 50. Motion failed.

HOUSE MOTION
(Amendment 45-2)

Mr. Speaker: I move that Engrossed Senate Bill 45 be amended to read as follows:

Page 9, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 9. IC 35-42-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section, "corrections officer" includes a person employed by:

(1) the department of correction;

(2) a law enforcement agency;

(3) a probation department;

~~(4)~~ (4) a county jail; or

~~(5)~~ (5) a circuit, superior, county, probate, city, or town court.

(b) As used in this section, "firefighter" means a person who is a:

(1) full-time, salaried firefighter;

(2) part-time, paid firefighter; or

(3) volunteer firefighter (as defined in IC 36-8-12-2).

(c) As used in this section, "first responder" means a person who:

(1) is certified under IC 16-31 and who meets the Indiana emergency medical services commission's standards for first responder certification; and

(2) responds to an incident requiring emergency medical services.

~~(d)~~ (d) As used in this section, "human immunodeficiency virus (HIV)" includes acquired immune deficiency syndrome (AIDS) and AIDS related complex.

~~(e)~~ (e) A person who knowingly or intentionally in a rude, insolent, or angry manner places blood or another body fluid or waste on a law enforcement officer, **firefighter, first responder,** or a corrections officer identified as such and while engaged in

the performance of official duties or coerces another person to place blood or another body fluid or waste on the law enforcement officer, **firefighter, first responder**, or corrections officer commits battery by body waste, a Class D felony. However, the offense is:

(1) a Class C felony if the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with:

- (A) hepatitis B or hepatitis C;
- (B) HIV; or
- (C) tuberculosis;

(2) a Class B felony if:

- (A) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with hepatitis B or hepatitis C and the offense results in the transmission of hepatitis B or hepatitis C to the other person; or
- (B) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

(3) a Class A felony if:

- (A) the person knew or recklessly failed to know that the blood, bodily fluid, or waste was infected with HIV; and
- (B) the offense results in the transmission of HIV to the other person.

(d) (f) A person who knowingly or intentionally in a rude, an insolent, or an angry manner places human blood, semen, urine, or fecal waste on another person commits battery by body waste, a Class A misdemeanor. However, the offense is:

(1) a Class D felony if the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with:

- (A) hepatitis B or hepatitis C;
- (B) HIV; or
- (C) tuberculosis;

(2) a Class C felony if:

- (A) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with hepatitis B or hepatitis C and the offense results in the transmission of hepatitis B or hepatitis C to the other person; or
- (B) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with tuberculosis and the offense results in the transmission of tuberculosis to the other person; and

(3) a Class B felony if:

- (A) the person knew or recklessly failed to know that the blood, semen, urine, or fecal waste was infected with HIV; and
- (B) the offense results in the transmission of HIV to the other person."

Page 10, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 12. [EFFECTIVE JULY 1, 2007] **IC 35-42-2-6, as amended by this act, applies only to acts committed after June 30, 2007.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 45 as printed April 6, 2007.)

TYLER

Motion prevailed.

HOUSE MOTION
(Amendment 45-7)

Mr. Speaker: I move that Engrossed Senate Bill 45 be amended to read as follows:

Page 5, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 6. IC 35-38-1-7.1, AS AMENDED BY

P.L.213-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7.1. (a) In determining what sentence to impose for a crime, the court may consider the following aggravating circumstances:

(1) The harm, injury, loss, or damage suffered by the victim of an offense was:

- (A) significant; and
- (B) greater than the elements necessary to prove the commission of the offense.

(2) The person has a history of criminal or delinquent behavior.

(3) The victim of the offense was less than twelve (12) years of age or at least sixty-five (65) years of age at the time the person committed the offense.

(4) The person:

- (A) committed a crime of violence (IC 35-50-1-2); and
- (B) knowingly committed the offense in the presence or within hearing of an individual who:
 - (i) was less than eighteen (18) years of age at the time the person committed the offense; and
 - (ii) is not the victim of the offense.

(5) The person violated a protective order issued against the person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or IC 34-4-5.1 before their repeal), a workplace violence restraining order issued against the person under IC 34-26-6, or a no contact order issued against the person.

(6) The person has recently violated the conditions of any probation, parole, pardon, community corrections placement, or pretrial release granted to the person.

(7) The victim of the offense was mentally or physically infirm.

(8) The person was in a position having care, custody, or control of the victim of the offense.

(9) The injury to or death of the victim of the offense was the result of shaken baby syndrome (as defined in IC 16-41-40-2).

(10) The person threatened to harm the victim of the offense or a witness if the victim or witness told anyone about the offense.

(11) The person:

- (A) committed trafficking with an inmate under IC 35-44-3-9; and
- (B) is an employee of the penal facility.

(12) The person who committed the offense knowingly or intentionally:

- (A) selected the individual who was injured by the offense; or**
- (B) damaged or otherwise affected property by the offense;**

because of the color, creed, disability, national origin, race, religion, sexual orientation, gender identity, sex, or any other characteristic or belief of the injured individual or of the owner or occupant of the property.

(b) The court may consider the following factors as mitigating circumstances or as favoring suspending the sentence and imposing probation:

(1) The crime neither caused nor threatened serious harm to persons or property, or the person did not contemplate that it would do so.

(2) The crime was the result of circumstances unlikely to recur.

(3) The victim of the crime induced or facilitated the offense.

(4) There are substantial grounds tending to excuse or justify the crime, though failing to establish a defense.

(5) The person acted under strong provocation.

(6) The person has no history of delinquency or criminal activity, or the person has led a law-abiding life for a substantial period before commission of the crime.

(7) The person is likely to respond affirmatively to probation or short term imprisonment.

(8) The character and attitudes of the person indicate that the person is unlikely to commit another crime.

(9) The person has made or will make restitution to the victim of the crime for the injury, damage, or loss sustained.

(10) Imprisonment of the person will result in undue hardship to the person or the dependents of the person.

(11) The person was convicted of a crime involving the use of force against a person who had repeatedly inflicted physical or sexual abuse upon the convicted person and evidence shows that the convicted person suffered from the effects of battery as a result of the past course of conduct of the individual who is the victim of the crime for which the person was convicted.

(c) The criteria listed in subsections (a) and (b) do not limit the matters that the court may consider in determining the sentence.

(d) A court may impose any sentence that is:

(1) authorized by statute; and

(2) permissible under the Constitution of the State of Indiana;

regardless of the presence or absence of aggravating circumstances or mitigating circumstances."

Page 10, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 11. [EFFECTIVE JULY 1, 2007] **IC 35-38-1-7.1, as amended by this act, applies only to offenses committed after June 30, 2007.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 45 as printed April 6, 2007.)

PORTER

Representative Whetstone rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 45 a bill pending before the House.

After discussion of the point of order, Representative Porter withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

Representatives GiaQuinta and Goodin, who had been excused, were present.

Engrossed Senate Bill 463

Representative Tincher called down Engrossed Senate Bill 463 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 463-5)

Mr. Speaker: I move that Engrossed Senate Bill 463 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-5-1-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 11. The secretary of state may adopt and enforce rules under IC 4-22-2 that are necessary to carry out:**

(1) **IC 9-23-1;**

(2) **IC 9-23-2;**

(3) **IC 9-23-3; and**

(4) **IC 9-23-6.**"

Page 11, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 13. IC 9-23-0.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2007]:

Chapter 0.7. Delegation of the Rights, Duties and Obligations of the Secretary of State

Sec. 1. The secretary of state may delegate any or all of the rights, duties, or obligations of the secretary of state under this article to:

(1) **the securities commissioner appointed under IC 23-2-1-15; or**

(2) **another designee under the supervision and control of the secretary of state.**

The individual delegated shall have the authority to adopt rules pursuant to IC 4-22-2 as the secretary of state under IC 4-5-1-11.

SECTION 14. IC 9-23-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The motor vehicle sales advisory board is established to advise the ~~bureau~~ **secretary of state** in the administration of this article.

SECTION 15. IC 9-23-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The advisory board is composed of the ~~commissioner~~ **secretary of state** and eight (8) persons appointed by the governor **upon the recommendation of the secretary of state** as follows:

(1) Two (2) of the appointed members must be franchised new motor vehicle dealers as follows:

(A) One (1) member must have sold less than seven hundred fifty (750) new motor vehicles in the year before the member's appointment.

(B) One (1) member must have sold more than seven hundred forty-nine (749) new motor vehicles in the year before the member's appointment.

(2) Two (2) of the appointed members must represent the automobile manufacturing industry and must have been Indiana residents for a period of two (2) years immediately preceding their appointment.

(3) Two (2) of the appointed members must represent the general public and may not have any direct interest in the manufacture or sale of motor vehicles.

(4) One (1) member must represent used motor vehicle dealers that are not franchised new motor vehicle dealers.

(5) One (1) member must represent used motor vehicle auctioneers.

(b) Not more than four (4) members of the board may be of the same political party.

SECTION 16. IC 9-23-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The ~~commissioner~~ **secretary of state** shall serve as chairman of the advisory board. The advisory board shall elect a vice chairman and secretary from the appointed members during the first month of each year. The vice chairman and secretary serve until their successors are duly appointed and qualified and may be removed for good cause.

SECTION 17. IC 9-23-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The advisory board shall meet during the first month of each year. Additional meetings may be convened at the call of the ~~commissioner~~ **secretary of state** or the written request of any three (3) members.

SECTION 18. IC 9-23-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The advisory board is vested with the following powers:

(1) To consult with and advise the ~~bureau~~ **secretary of state.**

(2) To suggest rules, including the following:

(A) The contents of forms.

(B) Methods and procedures for the investigation and evaluation of the qualifications of applicants for licenses.

(C) The criteria upon which to issue, deny, suspend, and revoke licenses.

(D) Procedures for the investigation into and conduct of hearings on unfair practices.

SECTION 19. IC 9-23-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) An application for a license under this chapter must:

- (1) be accompanied by the fee required under IC 9-29-8;
- (2) be on a form prescribed by the ~~bureau~~ **secretary of state**; and
- (3) contain the information the ~~bureau~~ **secretary of state** considers necessary to enable the ~~bureau~~ **secretary of state** to determine fully the following information:

(A) The qualifications and eligibility of the applicant to receive the license.

(B) The location of each of the applicant's places of business in Indiana.

(C) The ability of the applicant to conduct properly the business for which the application is submitted.

(b) An application for a license as a dealer must show whether the applicant proposes to sell new or used motor vehicles, or both.

(c) An applicant who proposes to use the Internet or other computer network in aid of its sale of motor vehicles to consumers in Indiana, which activities may result in the creation of business records outside Indiana, shall provide the division with the name, address, and telephone number of the person who has control of those business records. The ~~bureau~~ **secretary of state** may not issue a license to a dealer who transacts business in this manner who does not have an established place of business in Indiana.

(d) This subsection applies to an application for a license as a dealer in a city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000). The application must include an affidavit from:

- (1) the person charged with enforcing a zoning ordinance described in this subsection; or
- (2) the zoning enforcement officer under IC 36-7-4, if one exists;

who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The applicant may file the affidavit at any time after the filing of the application. However, the ~~bureau~~ **secretary of state** may not issue a license until the applicant files the affidavit.

SECTION 20. IC 9-23-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. A manufacturer, distributor, factory branch, distributor branch, or dealer proposing to sell new motor vehicles shall file and maintain with the ~~bureau~~ **secretary of state** a current copy of each franchise to which the person is a party, or, if multiple franchises are identical except for stated items, a copy of the form franchise with supplemental schedules of variations from the form.

SECTION 21. IC 9-23-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The license issued to a factory branch, a distributor branch, an automobile auctioneer, a transfer dealer, or a dealer under this chapter must specify the location of each place of business and shall be conspicuously displayed at each business location.

(b) If a business name or location is changed, the holder shall notify the ~~bureau~~ **secretary of state** within ten (10) days and remit the fee required under IC 9-29-8. The ~~bureau~~ **secretary of state** shall endorse that change on the license if the ~~bureau~~ **secretary of state** determines that the change is not subject to other provisions of this article.

(c) A dealer who uses the Internet or other computer network to facilitate the sale of motor vehicles as set forth in section 2(c) of this chapter shall notify the ~~bureau~~ **secretary of state** within ten (10) days upon any change in the name, address, or telephone

number of business records located outside Indiana that have been created in transactions made in Indiana by the dealer. A report made under this subsection is not subject to the fee required under IC 9-29-8-5.

(d) This subsection applies to a dealer in a city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000). A dealer who wants to change a location must submit to the ~~bureau~~ **secretary of state** an application for approval of the change. The application must be accompanied by an affidavit from:

- (1) the person charged with enforcing a zoning ordinance described in this subsection; or
- (2) the zoning enforcement officer under IC 36-7-4, if one exists;

who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The ~~bureau~~ **secretary of state** may not approve a change of location or endorse a change of location on the dealer's license until the dealer provides the affidavit.

(e) For the purpose of this section, an offsite license issued under section 7 of this chapter does not constitute a change of location.

SECTION 22. IC 9-23-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. The license issued to a factory representative or distributor representative must state the name of the employer. Within ten (10) days after a change of employer, the holder shall mail the license to the ~~bureau~~ **secretary of state** and indicate the name and address of the holder's new employer. The ~~bureau~~ **secretary of state** shall endorse the change on the license and return the license to the licensee in care of the licensee's new employer. A factory representative, distributor representative, or wholesale dealer must have a license when engaged in business and shall display the license upon request. A temporary license for a factory representative or distributor representative may be issued for a period up to one hundred twenty (120) days pending investigation by the ~~bureau~~ **secretary of state** of the applicant's qualification for a license.

SECTION 23. IC 9-23-2-7, AS AMENDED BY P.L.63-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Except as provided in subsections (b) through (g), the ~~bureau~~ **secretary of state** shall issue an offsite sales license to a dealer licensed under this chapter who submits an application for the license not later than ten (10) business days or two (2) calendar weeks before the offsite sale date. License applications under this section shall be made public upon the request of any person.

(b) The ~~bureau~~ **secretary of state** may not issue an offsite sales license to a dealer who does not have an established place of business within Indiana.

(c) The ~~bureau~~ **secretary of state** may not issue an offsite sales license to a licensed dealer proposing to conduct the sale outside a radius of twenty (20) miles from its established place of business. This subsection does not apply to:

- (1) new manufactured housing dealers;
- (2) recreational vehicle dealers; or
- (3) a rental company that is a dealer conducting a sale at a site within twenty (20) miles of any of its company owned affiliates.

(d) A vehicle display is not considered an offsite sale if it is conducted by a new vehicle franchised dealer in an open area where no sales personnel and no sales material are present.

(e) The ~~bureau~~ **secretary of state** may not issue an offsite sales license to a licensed dealer proposing to conduct the offsite sale for more than ten (10) calendar days.

(f) As used in this subsection, "executive" has the meaning set forth in IC 36-1-2-5. The ~~bureau~~ **secretary of state** may not issue an offsite sales license to a licensed dealer if the dealer

does not have authorization that the offsite sale would be in compliance with local zoning ordinances or other local ordinances. Authorization under this subsection may only be obtained from the following:

(1) If the offsite sale would be located within the corporate boundaries of a city or town, the executive of the city or town.

(2) If the offsite sale would be located outside the corporate boundaries of a city or town:

(A) except as provided in clause (B), the executive of the county; or

(B) if the city or town exercises zoning jurisdiction under IC 36-7-4-205(b) over the area where the offsite sale would be located, the executive of the city or town.

(g) The **bureau secretary of state** may not issue an offsite sales license to a licensed dealer who has held more than three (3) nonconsecutive offsite sales in the year ending on the date of the offsite sale for which the current license application is being submitted.

(h) The requirements of section 2(c) of this chapter do not apply to the application or issuance of an offsite sales license under this section.

SECTION 24. IC 9-23-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. A person who ceases a business activity for which a license was issued under this chapter shall do the following:

(1) Notify the **bureau secretary of state** of the date that the business activity will cease.

(2) Deliver all permanent dealer license plates and interim license plates issued to the person to the bureau within ten (10) days of the date the business activity will cease.

SECTION 25. IC 9-23-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. Except as provided in IC 9-29-1-5, all revenues accruing to the **bureau secretary of state** under this article shall be deposited in the motor vehicle highway account. All necessary expenses incurred and all compensation paid by the **bureau secretary of state** for administering this article shall be paid out of funds appropriated from the motor vehicle highway account for this purpose.

SECTION 26. IC 9-23-2-14, AS AMENDED BY P.L.210-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) A license issued under this chapter may be denied, suspended, or revoked for any of the following:

(1) Material misrepresentation in the application for the license or other information filed with the **commissioner secretary of state**.

(2) Lack of fitness under the standards set forth in this article or a rule adopted by the **commissioner secretary of state** under this article.

(3) Willful failure to comply with the provisions of this article or a rule adopted by the **commissioner secretary of state** under this article.

(4) Willful violation of a federal or state law relating to the sale, distribution, financing, or insuring of motor vehicles.

(5) Engaging in an unfair practice as set forth in this article or a rule adopted by the **commissioner secretary of state** under this article.

(6) Violating IC 23-2-2.7.

Except as provided in subsection (d), the procedures set forth in IC 4-21.5 govern the denial, suspension, or revocation of a license and a judicial review. A denial, suspension, or revocation of a license takes effect after the **commissioner secretary of state** makes a determination and notice of the determination has been served upon the affected person.

(b) If the **bureau secretary of state** denies, suspends, or revokes a license issued or sought under this article, the affected person may file an action in the circuit court of Marion County, Indiana, or the circuit court of the Indiana county in which the

person's principal place of business is located, seeking a judicial determination as to whether the action is proper. The filing of an action as described in this section within the thirty (30) day period is an automatic stay of the **commissioner's secretary of state's** determination.

(c) Revocation or suspension of a license of a manufacturer, a distributor, a factory branch, a distributor branch, a dealer, or an automobile auctioneer may be limited to one (1) or more locations, to one (1) or more defined areas, or only to certain aspects of the business.

(d) A license may be denied, suspended, or revoked for violating IC 9-19-1. IC 4-21.5-4 governs the denial, suspension, or revocation of a license under this subsection. The **bureau secretary of state** may issue a temporary order to enforce this subsection.

SECTION 27. IC 9-23-2-16, AS ADDED BY P.L.156-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) A person licensed under this article shall be issued a special event permit from the **bureau secretary of state** for a special event meeting the following conditions:

(1) The event is a vehicle auction conducted by auctioneers licensed under IC 25-6.1-3.

(2) The vehicles to be auctioned are:

(A) at least fifteen (15) years old; or

(B) classified as classic, collector, or antique vehicles under rules adopted by the **bureau secretary of state**.

(3) At least one hundred (100) vehicles will be auctioned during the special event.

(4) An application for a special event permit has been submitted to the **bureau secretary of state** not later than thirty (30) days before the beginning date of the special event.

(5) The application is accompanied by the permit fee required under IC 9-29-8-6.5.

(b) Not more than two (2) special event permits may be issued by the **bureau secretary of state** within a twelve (12) month period to the same applicant.

SECTION 28. IC 9-23-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) This section does not authorize a manufacturer or distributor and its franchisees in Indiana to establish a uniform hourly labor reimbursement rate effective for the entire state.

(b) It is an unfair practice for a manufacturer or distributor to fail to compensate to a dealer the posted hourly labor rate for the work and services the dealer is required to perform in connection with the dealer's delivery and preparation obligations under any franchise or fail to compensate to a dealer the posted hourly labor rate for labor and other expenses incurred by the dealer under the manufacturer's warranty agreements as long as the posted rate is reasonable. Judgment of the reasonableness includes consideration of charges for similar repairs by comparable repair facilities in the local area as well as mechanic's wages and fringe benefits.

(c) A manufacturer or distributor and at least thirty percent (30%) of its franchisees in Indiana of the same line make may agree in an express written contract citing this section to a uniform warranty reimbursement policy to be used by franchisees for the performance of warranty repairs. The contract must include the reimbursement for parts used in warranty repairs or the use of a uniform time standards manual, or both. The allowance for diagnosis within the uniform time standards manual must be reasonable and adequate for the work and service to be performed. The manufacturer or distributor shall have:

(1) only one (1) agreement with each line make; and

(2) a reasonable and fair procedure for franchisees to request a modification or adjustment of a standard included in the uniform time standards manual.

(d) A contract described in subsection (c) must meet the following criteria:

- (1) Establish a uniform parts reimbursement rate that must be greater than the manufacturer's or distributor's nationally established parts reimbursement rate in effect at the time the contract becomes effective. A subsequent contract must include a uniform reimbursement rate that is equal to or greater than the rate in the immediately prior contract.
- (2) Apply to all warranty repair orders written while the agreement is in effect.
- (3) At any time during the period the contract is in effect:
 - (A) be available to any franchisee of the same line make as the franchisees who entered into the contract with the manufacturer or distributor; and
 - (B) be available to the franchisee of the same line make on the same terms as apply to the franchisees who entered into the contract with the manufacturer or distributor.
- (4) Be for a term not to exceed three (3) years.
- (5) Allow any party to the uniform warranty reimbursement policy to terminate the policy with thirty (30) days prior written notice to all parties upon the annual anniversary of the policy, if the policy is for at least one (1) year.
- (6) Remain in effect for the entire life of the original period if the manufacturer and at least one (1) franchisee remain parties to the policy.

(e) A manufacturer or distributor that enters into a contract with its franchisees under subsection (c) may only seek to recover its costs from a franchisee that receives a higher reimbursement rate, if authorized by law, subject to the following:

- (1) Costs may be recovered only by increasing invoice prices on new vehicles received by the franchisee.
- (2) A manufacturer or distributor may make an exception for vehicles that are titled in the name of a purchaser in another state. However, price increases imposed for the purpose of recovering costs imposed by this section may vary from time to time and from model to model and must apply uniformly to all franchisees of the same line make that have requested reimbursement for warranty repairs at a level higher than provided for in the agreement.

(f) A manufacturer or distributor that enters into a contract with its franchisees under subsection (c) shall do the following:

- (1) Certify to the **bureau secretary of state** under oath, in a writing signed by a representative of the manufacturer or distributor, that at the time the contract was entered into at least thirty percent (30%) of the franchisees of the line make were parties to the contract.
- (2) File a copy of the contract with the bureau at the time of the certification.
- (3) Maintain a file that contains the information upon which the certification required under subdivision (1) is based for three (3) years after the certification is made.

SECTION 29. IC 9-23-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. A person who violates this article or a rule or order of the **bureau secretary of state** issued under this article is subject to a civil penalty of not less than fifty dollars (\$50) and not more than one thousand dollars (\$1,000) for each day of violation and for each act of violation, as determined by the court. All civil penalties recovered under this article shall be paid to the state **and deposited into the securities division enforcement account established under IC 23-2-1-15(c).**

SECTION 30. IC 9-23-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. In addition to the penalty imposed under section 4 of this chapter, the bureau may revoke, **upon request of the secretary of state**, a dealer permanent or interim license plate that was issued to the violator.

SECTION 31. IC 9-23-6-7 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. Whenever a person violates this article or a rule or order of the **bureau secretary of state** issued under this article, the **bureau secretary of state** may institute a civil action in any circuit or superior court of Indiana for injunctive relief to restrain the person from continuing the activity or for the assessment and recovery of the civil penalty provided in section 4 of this chapter, or both.

SECTION 32. IC 9-23-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. At the request of the **bureau, secretary of state**, the attorney general shall institute and conduct an action in the name of the state for:

- (1) injunctive relief or to recover the civil penalty provided by section 4 of this chapter;
- (2) the injunctive relief provided by section 6 of this chapter; or
- (3) both."

Page 27, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 53. IC 9-29-8-7, AS AMENDED BY P.L.156-2006, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. All money collected by the **bureau secretary of state** from manufacturers, factory branches, distributors, distributor branches, dealers, automobile auctioneers, factory representatives, distributor representatives, wholesale dealers, transfer dealers, converter manufacturers, or brokers for licenses and permit fees under IC 9-23-2 shall be credited to the motor vehicle odometer fund and allocated under IC 9-29-1-5."

Page 36, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 61. IC 23-2-1-15, AS AMENDED BY P.L.48-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) This chapter shall be administered by a division of the office of the secretary of state. The secretary of state shall appoint a securities commissioner who shall be responsible for the direction and supervision of the division and the administration of this chapter under the direction and control of the secretary of state. The salary of the securities commissioner shall be paid out of the funds appropriated for the administration of this chapter. The commissioner shall serve at the will of the secretary of state.

(b) The secretary of state:

- (1) shall employ a chief deputy, a senior investigator, a senior accountant, and other deputies, investigators, accountants, clerks, stenographers, and other employees necessary for the administration of this chapter; and
- (2) shall fix their compensation with the approval of the budget agency.

The chief deputy, other deputies, the senior investigator, and the senior accountant, once employed under this chapter, may be dismissed only for cause by the secretary of state upon ten (10) days notice in writing stating the reasons for dismissal. Within fifteen (15) days after dismissal, the chief deputy, other deputies, the senior investigator, and the senior accountant may appeal to the state personnel board. The state personnel board shall hold a hearing, and if it finds that the appealing party was dismissed for a political, social, religious, or racial reason, the appealing party shall be reinstated to the appealing party's position without loss of pay. In all other cases, if the decision is favorable to the appealing party, the secretary of state shall follow the findings and recommendations of the board, which may include reinstatement and payment of salary or wages lost. The hearing and any subsequent proceedings or appeals shall be governed by the provisions of IC 4-15-2 and IC 4-21-5.

(c) Fees and funds of whatever character accruing from the administration of this chapter shall be accounted for by the secretary of state and shall be deposited with the treasurer of state to be deposited by the treasurer of state in the general fund of the state. Expenses incurred in the administration of this

chapter shall be paid from the general fund upon appropriation being made for the expenses in the manner provided by law for the making of those appropriations. However;

(1) the costs of investigations recovered under sections 16(d) and 17.1(c) of this chapter; and

(2) civil penalties recovered under IC 9-23-6-4;

shall be deposited with the treasurer of state to be deposited by the treasurer of state in a separate account to be known as the securities division enforcement account. The funds in the account shall be available, with the approval of the budget agency, to augment and supplement the funds appropriated for the administration of this chapter. The funds in the account do not revert to the general fund at the end of any fiscal year.

(d) In connection with the administration and enforcement of the provisions of this chapter, the attorney general shall render all necessary assistance to the securities commissioner upon the commissioner's request, and to that end, the attorney general shall employ legal and other professional services as are necessary to adequately and fully perform the service under the direction of the securities commissioner as the demands of the securities division shall require. Expenses incurred by the attorney general for the purposes stated in this subsection shall be chargeable against and paid out of funds appropriated to the attorney general for the administration of the attorney general's office.

(e) Neither the secretary of state, the securities commissioner, nor an employee of the securities division shall be liable in their individual capacity, except to the state, for an act done or omitted in connection with the performance of their respective duties under this chapter.

(f) The commissioner, subject to the approval of the secretary of state, may adopt rules, orders, and forms necessary to carry out this chapter, including rules and forms concerning registration statements, applications, reports, and the definitions of any terms if the definitions are consistent with this chapter. The commissioner may by rule or order allow for exemptions from registration requirements under sections 3 and 8 of this chapter if the exemptions are consistent with the public interest and this chapter.

(g) The provisions of this chapter delegating and granting power to the secretary of state, the securities division, and the securities commissioner shall be liberally construed to the end that:

- (1) the practice or commission of fraud may be prohibited and prevented;
- (2) disclosure of sufficient and reliable information in order to afford reasonable opportunity for the exercise of independent judgment of the persons involved may be assured; and
- (3) the qualifications may be prescribed to assure availability of reliable broker-dealers, investment advisers, and agents engaged in and in connection with the issuance, barter, sale, purchase, transfer, or disposition of securities in this state.

It is the intent and purpose of this chapter to delegate and grant to and vest in the secretary of state, the securities division, and the securities commissioner full and complete power to carry into effect and accomplish the purpose of this chapter and to charge them with full and complete responsibility for its effective administration.

(h) It is the duty of a prosecuting attorney, as well as of the attorney general, to assist the securities commissioner upon the commissioner's request in the prosecution to final judgment of a violation of the penal provisions of this chapter and in a civil proceeding or action arising under this chapter. If the commissioner determines that an action based on the securities division's investigations is meritorious:

- (1) the commissioner or a designee empowered by the commissioner shall certify the facts drawn from the investigation to the prosecuting attorney of the judicial

circuit in which the crime may have been committed;

(2) the commissioner and the securities division shall assist the prosecuting attorney in prosecuting an action under this section, which may include a securities division attorney serving as a special deputy prosecutor appointed by the prosecuting attorney;

(3) a prosecuting attorney to whom facts concerning fraud are certified under subdivision (1) may refer the matter to the attorney general; and

(4) if a matter has been referred to the attorney general under subdivision (3), the attorney general may:

(A) file an information in a court with jurisdiction over the matter in the county in which the offense is alleged to have been committed; and

(B) prosecute the alleged offense.

(i) The securities commissioner shall take, prescribe, and file the oath of office prescribed by law. The securities commissioner, the chief deputy commissioner, and each attorney or investigator designated by the commissioner are police officers of the state and shall:

(1) have all the powers and duties of police officers in making arrests for violations of this chapter, or in serving any process, notice, or order connected with the enforcement of this chapter by whatever officer or authority or court issued; and

(2) comprise the enforcement department of the division; and are considered a criminal justice agency for purposes of IC 5-2-4 and IC 10-13-3.

(j) The securities commissioner and each employee of the securities division shall be reimbursed for necessary hotel and travel expenses when required to travel on official duty. Hotel and travel reimbursements shall be paid in accordance with the travel regulations prescribed by the budget agency.

(k) It is unlawful for the secretary of state, the securities commissioner, or the securities division's employees to use for personal benefit information that is filed with or obtained by the securities division and that is not made public. No provision of this chapter authorizes the secretary of state, the securities commissioner, or the employees of the securities division to disclose information except among themselves, or when necessary or appropriate, in a proceeding or investigation under this chapter. No provision of this chapter either creates or derogates from a privilege that exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the secretary of state, the securities commissioner, or the securities division or its employees.

(l) The commissioner may honor requests from interested persons for interpretative opinions and from interested persons for determinations that the commissioner will not institute enforcement proceedings against specified persons for specified activities. A determination not to institute enforcement proceedings must be consistent with this chapter. A person may not request an interpretive opinion concerning an activity that:

(1) occurred before; or

(2) is occurring on;

the date that the opinion is requested. The commissioner shall charge a fee of one hundred dollars (\$100) for an interpretative opinion or determination."

Page 37, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 64. [EFFECTIVE JULY 1, 2007] The rules adopted by the bureau of motor vehicles before July 1, 2007, concerning:

(1) IC 9-23-1;

(2) IC 9-23-2;

(3) IC 9-23-3; and

(4) IC 9-23-6;

are considered, after June 30, 2007, rules of the secretary of state."

Renumber all SECTIONS consecutively.
(Reference is to ESB 463 as printed April 6, 2007.)
AUSTIN

Motion prevailed.

HOUSE MOTION
(Amendment 463-7)

Mr. Speaker: I move that Engrossed Senate Bill 463 be amended to read as follows:

Page 11, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 12. IC 9-18-2-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) Except as provided in subsection (b), a license plate issued under section 30 of this chapter:

- (1) must be six (6) inches wide and twelve (12) inches long;
- (2) must display:
 - (A) the registration number assigned to the vehicle for which the plate is issued;
 - (B) the letters "IN"; and
 - (C) the year for which the plate is issued;
- (3) may have a prefix of at least one (1) letter of the alphabet to designate the type of vehicle registered; and
- (4) shall be treated with special reflective material designed to increase the visibility and legibility of the license plate.

The bureau must comply with section 36 of this chapter.

(b) The bureau may issue license plates in a different size or character if the bureau determines that the change is appropriate to effect the proper display of the license plates.

SECTION 13. IC 9-18-2-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 36. (a) A license plate issued for a passenger car must display a numeral that indicates the county in which the passenger car was registered.

(b) The numeral described in subsection (a) must be:

- (1) two and three-quarters (2 3/4) inches high; and
- (2) displayed at the location on the license plate where the county designator was located on January 1, 2007.

The bureau may not alter the size or the position of the county indicator numeral."

Renumber all SECTIONS consecutively.
(Reference is to ESB 463 as printed April 6, 2007.)

RESKE

Upon request of Representatives Whetstone and Buck, the Speaker ordered the roll of the House to be called. Roll Call 463: yeas 54, nays 42. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 451

Representative Candelaria Reardon called down Engrossed Senate Bill 451 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 451-3)

Mr. Speaker: I move that Engrossed Senate Bill 451 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert the following:

"SECTION 1. IC 20-28-9-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.5. (a) This section applies to an individual who is either:**

- (1) a licensed teacher who has obtained a permit to teach in a content area designated as a shortage area by the Indiana state board; or**
 - (2) a speech language pathologist licensed by the department.**
- (b) An individual described in subsection (a) may receive:**

- (1) a teacher's minimum salary as:**
 - (A) computed under IC 20-28-9; or**
 - (B) determined by a local salary schedule of the school corporation;**

- (2) any additional salary determined by a local salary schedule of the school corporation; and**
- (3) additional compensation that is less than or equal to the compensation determined under STEP FOUR of the formula set forth in subsection (c).**

(c) The formula for the additional compensation referred to in subsection (b)(3) is as follows:

STEP ONE: Determine the lesser of:

- (A) the number of school years that the individual has taught; and**
- (B) ten (10) years.**

STEP TWO: Determine the result of:

- (A) ten (10) years; minus**
- (B) the STEP ONE result.**

STEP THREE: Determine the result of:

- (A) the STEP TWO result (rounded to the nearest one-hundredth (0.01); multiplied by**
- (B) one-hundredth (0.01).**

STEP FOUR: Determine the result of:

- (A) the STEP THREE result; multiplied by**
- (B) the master contract salary.**

If the result determined in STEP TWO is equal to zero (0), the individual may not be given any additional compensation under subsection (b)(3).

(d) The following individuals are not eligible to receive additional compensation under subsection (b)(3):

- (1) A holder of an emergency permit.**
- (2) A holder of a transition to teaching permit.**

(e) Notwithstanding subsection (c), if a collective bargaining agreement allows for the payment of additional compensation to individuals described in subsection (a) and the additional compensation is greater than or equal to an amount determined under subsection (c), the amount of additional compensation that the collective bargaining agreement allows for is not subject to this section."

Renumber all SECTIONS consecutively.
(Reference is to SB 451 as printed April 3, 2007.)

THOMPSON

Upon request of Representatives Thompson and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 464: yeas 45, nays 53. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 434

Representative Moses called down Engrossed Senate Bill 434 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 434-2)

Mr. Speaker: I move that Engrossed Senate Bill 434 be amended to read as follows:

Page 1, line 4, delete ";" and insert "**not held for resale; or**".
Page 1, delete line 5.

Page 1, line 6, delete "(3)" and insert "**(2)**".

(Reference is to ESB 434 as printed April 3, 2007.)

MOSES

Motion prevailed.

HOUSE MOTION
(Amendment 434-1)

Mr. Speaker: I move that Engrossed Senate Bill 434 be amended to read as follows:

Page 4, delete lines 17 through 35.

Renumber all SECTIONS consecutively.

(Reference is to ESB 434 as printed April 3, 2007.)

MOSES

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 412

Representative Micon called down Engrossed Senate Bill 412 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 412-1)

Mr. Speaker: I move that Engrossed Senate Bill 412 be amended to read as follows:

Page 5, line 1, after "instrument" insert ":".

Page 5, line 2, delete "and below the statement required by subsection (b)(1):".

(Reference is to ESB 412 as printed April 6, 2007.)

FOLEY

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 403

Representative Micon called down Engrossed Senate Bill 403 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 403-1)

Mr. Speaker: I move that Engrossed Senate Bill 403 be amended to read as follows:

Page 2, line 21, after "to" delete "a" and insert "**an address designated by the**".

Page 3, line 26, delete "consumer:" and insert "**consumer**".

Page 3, line 27, delete "(A)".

Page 3, run in lines 26 through 27.

Page 3, line 29, delete "(1); or" and insert "**(1)**".

Page 3, delete lines 30 through 31.

Page 3, line 40, delete "requested".

Page 4, line 3, delete "requested".

Page 4, line 5, after "(1)" insert "**subject to the exceptions set forth in sections 7(e)(2) and 9(c)(2) of this chapter, as applicable,**".

Page 4, line 6, delete "requested".

Page 4, line 11, delete "requested".

Page 4, line 34, delete "6(2)" and insert "**6(a)(2)**".

Page 4, line 36, delete "6(1) or 6(3)" and insert "**6(a)(1) or 6(a)(3)**".

Page 4, line 38, delete "a" and insert "**to authorize the**".

Page 5, line 1, delete "6(2)" and insert "**6(a)(2)**".

Page 5, line 2, delete "allow the release of the" and insert "**authorize the consumer reporting agency to temporarily lift a security freeze**".

Page 5, line 3, delete "consumer's consumer report".

Page 5, line 8, delete "release" and insert "**authorize the release of**".

Page 5, line 9, delete "temporarily lift" and insert "**authorize the temporary lifting of**".

Page 5, line 14, delete "media." and insert "**media, if provided by the consumer reporting agency.**".

Page 7, line 13, after "to" insert "**authorize a consumer reporting agency to**".

Page 7, delete line 19 and insert "**authorize the release of a consumer report or the temporary lifting of a security freeze.**".

Page 7, line 24, delete "6(2)" and insert "**6(a)(2)**".

Page 7, line 26, delete "6(1) or 6(3)" and insert "**6(a)(1) or 6(a)(3)**".

Page 9, line 12, delete "assignee," and insert "**assignee of a financial obligation owed by the consumer to the person,**".

Page 9, line 12, delete "the person," and insert "**a financial obligation owed by the consumer to the person in connection with the proposed purchase of the financial obligation,**".

Page 9, line 28, after "of" insert "**a financial obligation owed by the consumer to**".

Page 9, line 28, delete "released" and insert "**authorized the release of**".

Page 12, line 12, delete "for:" and insert "**on a consumer for a request from the consumer to do any of the following:**

Page 12, line 13, delete "placing" and insert "**Place**".

Page 12, line 14, delete "chapter;" and insert "**chapter.**".

Page 12, line 15, delete "issuing" and insert "**Issue**".

Page 12, line 16, delete "chapter;" and insert "**chapter.**".

Page 12, line 17, delete "releasing" and insert "**Release**".

Page 12, line 19, delete "chapter;" and insert "**chapter. In addition a consumer reporting agency may not impose a charge on the third party to whom the consumer's consumer report is released under section 7(a)(1) of this chapter in connection with the release.**".

Page 12, line 20, delete "temporarily lifting" and insert "**Temporarily lift**".

Page 12, line 21, delete "chapter; or" and insert "**chapter.**".

Page 12, line 22, delete "removing" and insert "**Remove**".

Page 12, delete lines 27 through 28.

Page 12, line 29, delete "(c)" and insert "**(b)**".

Page 12, line 29, after "who" insert "**knowingly or intentionally**".

(Reference is to ESB 403 as printed April 3, 2007.)

MICON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 401

Representative Kuzman called down Engrossed Senate Bill 401 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 171

Representative GiaQuinta called down Engrossed Senate Bill 171 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 372

Representative C. Brown called down Engrossed Senate Bill 372 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 372-1)

Mr. Speaker: I move that Engrossed Senate Bill 372 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 27-1-25.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 25.2. Civil Actions for Delayed Health Care Claim Reimbursement

Sec. 1. As used in this chapter, "administrator" has the meaning set forth in IC 27-1-25-1.

Sec. 2. As used in this chapter, "covered individual" means an individual who is entitled to coverage for health care services under a policy issued or contract entered into by an insurer.

Sec. 3. As used in this chapter, "insurer" has the meaning set forth in IC 27-1-25-1.

Sec. 4. Notwithstanding any other law, if a claim for reimbursement for health care services provided to a covered individual under a policy issued or a contract entered into by an insurer:

(1) is not paid by the insurer or administrator before the elapse of forty-five (45) days from the date on which

the claim is filed; and

(2) involves an amount that does not exceed the jurisdictional limit in the:

(A) small claims court; or

(B) small claims docket or division of the court that maintains a small claims docket or division;

in the county in which the covered individual resides; the covered individual may immediately bring a civil action against the insurer or administrator in the small claims court referred to in subdivision (2) without pursuing another course of action, including any grievance, appeal, or external review procedure described in this title or in the policy or contract.

Sec. 5. A policy or contract provision that conflicts with section 4 of this chapter is void.

SECTION 2. [EFFECTIVE UPON PASSAGE] IC 27-1-25.2, as added by this act, applies to a policy or contract issued or entered into by an insurer after the effective date of this act."

Page 2, after line 32, begin a new paragraph and insert:

"SECTION 4. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 372 as printed April 3, 2007.)

HERRELL

After discussion, Representative Herrell withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 339

Representative VanHaaften called down Engrossed Senate Bill 339 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 190

Representative Welch called down Engrossed Senate Bill 190 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 190-1)

Mr. Speaker: I move that Engrossed Senate Bill 190 be amended to read as follows:

Page 2, line 22, delete "A" and insert "Except for food prepared by a for-profit entity, an Indiana".

(Reference is to ESB 190 as printed April 6, 2007.)

WELCH

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 334

Representative Moses called down Engrossed Senate Bill 334 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 334-1)

Mr. Speaker: I move that Engrossed Senate Bill 334 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-22-2.1-1, AS ADDED BY P.L.188-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. Except for a rule that is the subject of a rulemaking action under IC 13-14-9, IC 22-12, IC 22-13, IC 22-14, or IC 22-15, this chapter applies to a rule for which the notice required by IC 4-22-2-23 is published by an agency after June 30, 2005."

Renumber all SECTIONS consecutively.

(Reference is to ESB 334 as printed April 6, 2007.)

MOSES

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 390

Representative Bardon called down Engrossed Senate Bill 390 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 390-1)

Mr. Speaker: I move that Engrossed Senate Bill 390 be amended to read as follows:

Page 8, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 3. IC 24-9-3-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. A creditor who advertises a home loan shall comply with the advertising requirements concerning credit under 12 CFR 226.24 (Regulation Z of the Board of Governors of the Federal Reserve System to implement the federal Truth in Lending Act (15 U.S.C. 1601 et seq.)).

SECTION 4. IC 24-9-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 4.5. Property Tax Disclosures for New Home Construction

Sec. 1. This chapter applies to a home construction contract entered into after June 30, 2007.

Sec. 2. As used in this chapter, "authority" refers to the Indiana housing and community development authority created by IC 5-20-1-3.

Sec. 3. As used in this chapter, "builder" has the meaning set forth in IC 32-27-2-6.

Sec. 4. As used in this chapter, "home buyer" means a person who enters into a home construction contract with a builder.

Sec. 5. As used in this chapter, "home construction contract" means a contract:

(1) that is entered into by a builder and a home buyer; and

(2) under which the builder agrees to construct a new home that the home buyer will occupy:

(A) as a residence; and

(B) as the first occupant of the new home.

Sec. 6. As used in this chapter, "new home" means a new dwelling occupied for the first time after construction.

Sec. 7. As used in this chapter, "prospective home buyer" means a person who contemplates entering into a home construction contract with a builder.

Sec. 8. (a) A builder may not enter into a home construction contract with a prospective home buyer unless the builder first gives the prospective home buyer a written notice containing an estimate of the property taxes that:

(1) will be owed by the prospective home buyer with respect to the new home that is the subject of the home construction contract; and

(2) are based on an assessment of the new home made on the first assessment date after the construction of the new home is complete.

The estimate required by this section may not be based on an assessment of unimproved real estate.

(b) A builder shall give the notice required by subsection (a) on a form prescribed by the authority. The statement of the estimated property taxes described in subsection (a) must be made in at least sixteen (16) point font. The notice shall be signed in duplicate by both the builder and the prospective home buyer. The builder shall:

(1) give at least one (1) of the signed notices to the prospective home buyer at the time of signing; and

(2) retain at least one (1) of the signed notices for the file maintained in connection with the home construction contract.

(c) The authority shall prescribe and make available to

builders the form described in subsection (b) not later than June 1, 2007.

SECTION 5. IC 24-9-4.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 4.6. Educational Materials for At Risk Home Buyers

Sec. 1. As used in this chapter, "at risk home buyer" means a person who:

- (1) has a credit score that is less than six hundred twenty (620), as determined by one (1) or more consumer reporting agencies (as defined in 15 U.S.C. 1681a(f)); and
- (2) seeks to obtain a home loan from a creditor.

Sec. 2. As used in this chapter, "authority" refers to the Indiana housing and community development authority created by IC 5-20-1-3.

Sec. 3. As used in this chapter, "credit score" has the meaning set forth in 15 U.S.C. 1681g(f)(2)(A).

Sec. 4. (a) As used in this chapter, "creditor" has the meaning set forth in IC 24-9-2-6.

(b) The term includes a builder (as defined in IC 32-27-2-6) that enters into a home loan with a borrower in Indiana.

Sec. 5. Not later than June 1, 2007, the authority shall prepare and make available to creditors written home ownership educational materials for use by at risk home buyers in Indiana.

Sec. 6. After June 30, 2007, a creditor may not enter into a home loan with an at risk home buyer unless the creditor first gives the at risk home buyer the educational materials prepared by the authority under section 5 of this chapter. The at risk home buyer shall sign a written acknowledgment that the at risk home buyer has received the educational materials. The acknowledgment shall be retained in the file maintained in connection with any home loan issued to the at risk home buyer by or on behalf of the creditor."

Page 9, after line 32, begin a new paragraph and insert:
"SECTION 7. An emergency is declared for this act."
Renummer all SECTIONS consecutively.

(Reference is to ESB 390 as printed April 6, 2007.)

MURPHY

On the motion of Representative Pelath the previous question was called. Upon request of Representatives Murphy and Bardon, the Speaker ordered the roll of the House to be called. Roll Call 465: yeas 48, nays 49. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 328

Representative Welch called down Engrossed Senate Bill 328 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 328-2)

Mr. Speaker: I move that Engrossed Senate Bill 328 be amended to read as follows:

Page 8, delete lines 8 through 19.

Page 8, delete lines 25 through 37.

Page 9, delete lines 3 through 15.

Page 12, line 9, delete "The department may, by".

Page 12, delete lines 10 through 14.

Page 12, between lines 18 and 19, begin a new paragraph and insert:

"(c) The department shall appoint the citizen review panels in the following manner:

- (1) One (1) panel must be a community child protection team established in a county under IC 31-33-3-1, selected by the director of the department with the consent of the team.
- (2) One (1) panel must be either:

(A) the statewide child fatality review committee established under IC 31-33-25-6; or

(B) a local child fatality review team established under IC 31-33-24-6;

selected by the director of the department with the consent of the committee or team.

(3) One (1) panel must be a foster care advisory panel consisting of at least five (5) and not more than eleven (11) members, selected to the extent feasible from the membership of any foster care advisory group previously established or recognized by the department. If the panel consists of seven (7) or fewer members, the panel must include at least one (1) foster parent licensed by the department through a county office and one (1) foster parent licensed by the department through a child placing agency licensed under IC 31-27-6. If the panel consists of more than seven (7) members, the panel must include two (2) foster parents licensed by the department through a county office and two (2) foster parents licensed by the department through a child placing agency licensed under IC 31-27-6. Additional members of the panel must include one (1) or more individuals who are employed by a child placing agency licensed under IC 31-27-6 and who provide services to foster families and children placed by the department in out-of-home placements, and may include other representatives of child welfare service providers or persons who provide training to current or prospective foster parents. All members of this panel must be individuals who are not employees of the department.

(4) The membership of any additional citizen review panels established under this section shall be determined by the director of the department, consistent with the guidelines for panel membership stated in subsection (b) and the purposes and functions of the panels as described in this section.

(5) Each citizen review panel shall be appointed for a term of three (3) years beginning July 1, 2007. Upon expiration of the term of the panel described in subdivision (1), the director of the department shall select a community child protection team established in a different county for the succeeding term. Upon expiration of the term of the panel described in subdivision (2), the director of the department shall select a different fatality review team, or committee, if available, for the succeeding term. Panels appointed under subdivision (3) or (4) may be reappointed for successive terms, in the discretion of the director of the department. The director may appoint individuals as needed to fill vacancies that occur during the term of any panel appointed under subdivision (3) or (4)."

Page 12, line 19, delete "(c)" and insert "(d)".

Page 12, line 26, delete "(d)" and insert "(e)".

Page 12, line 31, delete "(e)" and insert "(f)".

Page 12, line 33, delete "(d)," and insert "(e)".

Page 12, line 38, delete "(f)" and insert "(g)".

Page 13, line 1, delete "(g)" and insert "(h)".

Page 13, line 10, delete "(h)" and insert "(i)".

Page 13, line 10, delete "(g)," and insert "(h)".

Page 13, line 13, delete "(i)" and insert "(j)".

Page 53, line 2, delete "before a detention hearing" and insert "within five (5) days after the detention hearing, excluding Saturdays, Sundays, and any day on which a legal holiday is observed for state employees as provided in IC 1-1-9. The initial hearing may be held at the same time as the detention hearing if all necessary parties are available and consent."

Page 53, delete line 3.

Page 53, line 22, delete "before the detention hearing is held for the child." and insert "within five (5) days after the

detention hearing, excluding Saturdays, Sundays, and any day on which a legal holiday is observed for state employees as provided in IC 1-1-9. The initial hearing may be held at the same time as the detention hearing if all necessary parties are available and consent."

Page 53, delete lines 35 through 42.

Page 54, delete lines 1 through 36.

Page 59, delete lines 17 through 42.

Delete pages 60 through 66.

Page 67, delete lines 1 through 14.

Page 72, line 1, delete "IC 31-34-24-5;"

Page 72, line 2, delete "IC 31-34-24-17; IC 31-37-24;"

Renumber all SECTIONS consecutively.

(Reference is to ESB 328 as printed April 6, 2007.)

KUZMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 310

Representative Grubb called down Engrossed Senate Bill 310 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 292

Representative Pierce called down Engrossed Senate Bill 292 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 292-6)

Mr. Speaker: I move that Engrossed Senate Bill 292 be amended to read as follows:

Page 56, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 78. [EFFECTIVE JULY 1, 2007] (a) Notwithstanding IC 3-10-1-3, the 2008 primary election shall be held on January 26, 2008.

(b) Except as provided in this SECTION, IC 3 applies to the primary election subject to this SECTION.

(c) For purposes of this SECTION, the following apply:

(1) A reference in IC 3 to January 1 with respect to a primary election is considered a reference to October 1, 2007.

(2) A reference in IC 3 to a date that is one hundred four (104) days before a primary election is a reference to October 16, 2007.

(3) A reference in IC 3 to a date that is ninety (90) days before a primary election is a reference to October 30, 2007.

(4) A reference in IC 3 to a date that is seventy-seven (77) days before a primary election is a reference to November 13, 2007.

(5) A reference in IC 3 to a date that is seventy-four (74) days before a primary election is a reference to November 16, 2007.

(6) A reference in IC 3 to a date that is seventy-one (71) days before a primary election is a reference to November 19, 2007.

(7) A reference in IC 3 to a date that is seventy (70) days before a primary election is a reference to November 20, 2007.

(8) A reference in IC 3 to a date that is sixty-seven (67) days before a primary election is a reference to November 23, 2007.

(9) A reference in IC 3 to a date that is sixty-five (65) days before a primary election is a reference to November 25, 2007.

(10) A reference in IC 3 to a date that is sixty (60) days before a primary election is a reference to November 30, 2007.

(11) A reference in IC 3 to a date that is fifty-four (54) days before a primary election is a reference to

December 7, 2007.

(12) A reference in IC 3 to a date that is forty-five (45) days before a primary election is a reference to December 17, 2007.

(13) A reference in IC 3 to a date that is thirty (30) days before a primary election is a reference to December 28, 2007.

(14) A reference in IC 3 to a date that is twenty-nine (29) days before a primary election is a reference to December 29, 2007.

(15) A reference in IC 3 to a date that is twenty-five (25) days before a primary election is a reference to January 4, 2008.

(d) If a date in IC 3 is determined as being a fixed number of days from another date in IC 3 that is described in subsection (c), the corresponding date for purposes of this SECTION is the same fixed number of days from the date specified in subsection (c).

(e) This SECTION expires January 1, 2009."

Renumber all SECTIONS consecutively.

(Reference is to ESB 292 as printed April 6, 2007.)

STUTZMAN

Motion failed.

HOUSE MOTION

(Amendment 292-4)

Mr. Speaker: I move that Engrossed Senate Bill 292 be amended to read as follows:

Page 1, line 3, after "40.5." insert "(a) Except as provided in subsection (b);".

Page 1, line 3, delete "'Proof'" and insert "'proof'".

Page 2, between lines 10 and 11, begin a new paragraph and insert:

"(b) Notwithstanding subsection (a), a document issued to an individual to identify the individual as a participant in the Medicare program established under Title XVIII of the federal Social Security Act (42 U.S.C. 1395 et seq.) is sufficient proof of identification for purposes of this title."

(Reference is to ESB 292 as printed April 6, 2007.)

AVERY

Upon request of Representatives Avery and Pierce, the Speaker ordered the roll of the House to be called. Roll Call 466: yeas 51, nays 46. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 315

Representative Austin called down Engrossed Senate Bill 315 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 315-1)

Mr. Speaker: I move that Engrossed Senate Bill 315 be amended to read as follows:

Page 2, line 2, after "(d)" insert "In addition to the study required under subsection (c), the department shall study the feasibility of widening U.S. Highway 27 from State Road 124 in Adams County to the intersection with Interstate Highway 70 in Wayne County.

(e)".

Page 2, line 2, after "input" insert "concerning the study required under section (c)".

Page 2, line 13, delete "(e)" and insert "(f)".

Page 2, line 13, delete "study" and insert "studies".

Page 2, line 14, delete "subsection" and insert "subsections".

Page 2, line 14, after "(c)" insert "and (d)".

Page 2, line 18, delete "(f)" and insert "(g)".

Page 2, line 20, delete "study" and insert "studies".

Page 2, line 20, delete "subsection" and insert "subsections".

Page 2, line 20, after "(c)" insert "and (d)".

Page 2, line 22, delete "(g)" and insert "(h)".

(Reference is to ESB 315 as printed April 3, 2007.)

DAVIS

Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 287

Representative Kuzman called down Engrossed Senate Bill 287 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 287-9)

Mr. Speaker: I move that Engrossed Bill 287 be amended to read as follows:

Page 9, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 15. IC 6-1.1-4-4.5, AS AMENDED BY P.L.228-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4.5. (a) The department of local government finance shall adopt rules establishing a system for annually adjusting the assessed value of real property to account for changes in value in those years since a general reassessment of property last took effect.

(b) Subject to subsection (e), the system must be applied to adjust assessed values beginning with the 2006 assessment date and each year thereafter that is not a year in which a reassessment becomes effective.

(c) The rules adopted under subsection (a) must include the following characteristics in the system:

(1) Promote uniform and equal assessment of real property within and across classifications.

(2) Require that assessing officials:

(A) reevaluate the factors that affect value;

(B) express the interactions of those factors mathematically;

(C) use mass appraisal techniques to estimate updated property values within statistical measures of accuracy; and

(D) provide notice to taxpayers of an assessment increase that results from the application of annual adjustments **at least thirty (30) days before the date the statement required under IC 6-1.1-22-8.1 must be mailed by the county treasurer.**

(3) Prescribe procedures that permit the application of the adjustment percentages in an efficient manner by assessing officials.

(d) The department of local government finance must review and certify each annual adjustment determined under this section.

(e) In making the annual determination of the base rate to satisfy the requirement for an annual adjustment under subsection (a), the department of local government finance shall determine the base rate using the methodology reflected in Table 2-18 of Book 1, Chapter 2 of the department of local government finance's Real Property Assessment Guidelines (as in effect on January 1, 2005), except that the department shall adjust the methodology to use a six (6) year rolling average instead of a four (4) year rolling average."

Page 15, line 5, delete "assessor (or township assessor in the case of a county)" and insert **"assessor."**

Page 15, line 6, delete "containing a consolidated city)."

Page 15, line 6, delete "or".

Page 15, line 7, delete "township assessor".

Page 16, delete lines 39 through 42.

Page 17, line 1, delete "(17) If:" and insert **"(16) If"**.

Page 17, delete lines 2 through 3.

Page 17, line 4, delete "(B)".

Page 17, run in lines 1 through 4.

Page 17, line 5, delete ";" and insert ",".

Page 17, run in lines 5 through 6.

Page 20, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 30. IC 6-1.1-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: Sec. 9. (a) Except as provided in subsection (b), ~~of this section~~, all property otherwise subject to assessment under this article shall be assessed in the usual manner, whether or not it is exempt from taxation.

(b) No assessment shall be made of property which is owned by the government of the United States, this state, an agency of this state, or a political subdivision of this state if the property is used, and in the case of real property occupied, by the owner. **However, a claim for a payment in lieu of property taxes may be made as provided in IC 6-1.1-21.3."**

Page 70, line 41, strike "or".

Page 71, line 2, delete "." and insert "; or".

Page 71, between lines 2 and 3, begin a new line block indented and insert:

"(10) the county has not provided notice of increased assessments under IC 6-1.1-4-4.5 in a timely manner under IC 6-1.1-4-4.5(c)(2)(D)."

Page 71, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 59. IC 6-1.1-21.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]:

Chapter 21.3. Payments in Lieu of Property Taxes

Sec. 1. As used in this chapter, "department" refers to the department of natural resources.

Sec. 2. As used in this chapter, "land" refers to land described in section 5 of this chapter.

Sec. 3. As used in this chapter, "fund" refers to the PILOT transfer fund established under section 11 of this chapter.

Sec. 4. As used in this chapter, "PILOT" refers to a distribution to a county under this chapter that is in lieu of property taxes on land located in the county.

Sec. 5. Upon the submission of a claim under section 10 of this chapter, a county in which land:

(1) owned or leased by the department on March 1 of the previous year; and

(2) exempt from the payment of property taxes; is located is entitled to receive a PILOT under this chapter.

Sec. 6. Subject to section 13 of this chapter, the PILOT required to be paid to a county for a year is equal to the amount determined under STEP FIVE of the following formula:

STEP ONE: For each taxing district in the county, determine the number of acres of land that are located in the taxing district.

STEP TWO: Multiply the STEP ONE amount by the base rate determined for the assessment date in the previous year.

STEP THREE: Divide the STEP TWO result by one hundred (100).

STEP FOUR: Multiply the STEP THREE result by the property tax rate in the taxing district in which the land is located for property taxes first due and payable in the year.

STEP FIVE: Subtract from the STEP FOUR result the property tax replacement credit under IC 6-1.1-21-5 that would apply to the land in the taxing district if a property tax equal to the STEP FOUR amount were imposed on the land.

STEP SIX: Determine the sum of the STEP FIVE amounts for all land located in the county.

Sec. 7. (a) Not later than September 1 of the year preceding the year in which a PILOT is due, the auditor of state shall provide the county assessor of each county in which land is located with a report of:

(1) the number of acres of land that are located in each taxing district in the county on the assessment date in that year;

- (2) the parcel numbers or key numbers of the land referred to in subdivision (1); and
- (3) any other information specified by the department of local government finance.

(b) The auditor of state shall provide the report required by subsection (a):

- (1) on a form prescribed by the department of local government finance; or
- (2) with the consent of the department of local government finance, in an electronic format.

Sec. 8. The department of local government finance:

- (1) shall prescribe a form for the report required under section 7 of this chapter; and
- (2) may adopt standards for the reporting of information under section 7 of this chapter that are necessary to assist counties, conservancy districts, and other political subdivisions with the implementation of this chapter.

Sec. 9. A county assessor shall annually provide the county auditor and the county treasurer with the information from the report provided under section 7 of this chapter that is necessary for the county assessor and county treasurer to prepare a claim for a PILOT. The information must be delivered on the schedule specified by the county auditor and the county treasurer.

Sec. 10. The county treasurer shall submit to the auditor of state a claim for a PILOT for a particular year at the same time that the county treasurer issues property tax statements under IC 6-1.1-22-8. The claim shall be computed in accordance with the formula in section 6 of this chapter. A county treasurer may submit an amended claim for a PILOT in accordance with the policies prescribed by the auditor of state.

Sec. 11. (a) The PILOT transfer fund is established to provide money for the distributions of PILOTS to counties. The auditor of state shall administer the fund.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if the fund at the end of a state fiscal year exceeds seven million dollars (\$7,000,000), the auditor of state shall transfer the excess from the fund as follows:

- (1) Sixty-five and forty-two hundredths percent (65.42%) in the state forestry fund for purposes of the state forestry fund.
- (2) One and twenty-five hundredths percent (1.25%) in the general fund for purposes of the department of local government finance data base management.
- (3) Thirty-three and thirty-three hundredths percent (33.33%) in the state fair fund for purposes of the state fair fund.

The amount transferred is continuously appropriated for the purposes to which the money is transferred.

Sec. 12. The auditor of state shall pay PILOTS from the fund. The maximum amount payable to a county for a particular year is the least of the following:

- (1) The amount determined for the county under section 6 of this chapter.
- (2) The amount determined under section 13 of this chapter.

Sec. 13. (a) This section applies only if the total amount of PILOTS payable in a year to all counties under section 6 of this chapter is greater than the amount available in the fund.

(b) If the amount in the fund is less than the amount necessary to pay all claims for PILOTS for a particular year, the amount of the PILOT payable to a county in which land

is located is reduced to the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the amount of the PILOT that otherwise would be payable to the county under section 6 of this chapter.

STEP TWO: Determine the sum of the STEP ONE amounts for all counties in which land is located.

STEP THREE: Divide the STEP ONE amount by the STEP TWO amount, rounded to the nearest ten thousandth (0.0001).

STEP FOUR: Multiply the amount available for distribution from the fund for the particular year by the STEP THREE result.

Sec. 14. The budget agency shall establish the schedule on which distributions are made under this chapter. To the extent possible, distributions shall be made in equal installments not later than fifteen (15) regular business days after each semiannual settlement date under IC 6-1.1-27-3.

Sec. 15. There is continuously appropriated from the fund the amount necessary to make the distributions required by this chapter.

Sec. 16. A PILOT for a county shall be distributed to the county treasurer. The county treasurer shall distribute the amount of a PILOT to each taxing unit in the county in which land is located in proportion to the tax rate imposed by each taxing unit on the land not later than the next settlement date after the money is received by the county treasurer. A taxing unit shall treat money received under this section as a levy excess and deposit the money in the taxing unit's levy excess fund under IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7 for the purpose of reducing property tax levies in the year following the year in which the PILOT is imposed."

Page 92, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 83. IC 14-23-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: Sec. 3. (a) Annually there shall be levied and collected as other state taxes are levied and collected the amount of sixteen hundredths of one cent (\$0.0016) upon each one hundred dollars (\$100) worth of taxable property in Indiana.

(b) The money collected shall be deposited as follows:

(1) An amount equal to the levy resulting from one hundred fifty-seven thousandths of one cent (\$0.00157) of the rate imposed for property taxes first due and payable in 2006 shall be paid deposited into the fund. ~~The money collected~~

(2) An amount equal to the levy resulting from three thousandths of one cent (\$0.00003) imposed for property taxes first due and payable in 2006 is appropriated to the budget agency for purposes of department of local government finance data base management.

(3) The amount not deposited under subdivisions (1) and (2) shall be deposited into the PILOT transfer fund established under IC 6-1.1-21.3-11.

SECTION 84. IC 15-1.5-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)]: Sec. 4. The auditor of state shall deposit revenue from the tax as follows:

(1) An amount equal to the amount of the tax levy that was first due and payable in 2006 shall be deposited into the fund.

(2) The excess over the amount described in subdivision (1) shall be deposited into the PILOT transfer fund established under IC 6-1.1-21.3-11."

Page 123, delete lines 5 through 12.

Page 124, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 127. [EFFECTIVE JANUARY 1, 2007 (RETROACTIVE)] (a) IC 6-1.1-21.3, as added by this act,

applies to assessment dates after February 28, 2006.

(b) In cooperation with the auditor of state, the department of local government finance shall, not later than August 1, 2007, prescribe a form for the auditor of state to report the information needed to carry out IC 6-1.1-21.3-7, as added by this act. The form shall be used for the determination of payments in lieu of property taxes payable in 2007 and 2008. Notwithstanding IC 6-1.1-21.3, as added by this act, a county auditor may bill a PILOT that is due for 2007 not later than the later of the following:

(1) October 1, 2007.

(2) Thirty (30) days after the county auditor receives the information described in IC 6-1.1-21.3-7, as added by this act, for the assessment date in 2006.

(c) This SECTION expires January 1, 2009."

Renumber all SECTIONS consecutively.

(Reference is to ESB 287 as printed April 6, 2007.)

KOCH

Motion prevailed.

HOUSE MOTION (Amendment 287-6)

Mr. Speaker: I move that Engrossed Senate Bill 287 be amended to read as follows:

Page 65, line 27, delete "Any" and insert "Subject to subsection (h), any".

Page 67, between lines 7 and 8, begin a new paragraph and insert:

"(h) For a city, town, or county, only the fiscal body of the city, town, or county may file an appeal under subsection (a)."

(Reference is to ESB 287 as printed April 6, 2007.)

BUCK

Upon request of Representatives Buck and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 467: yeas 47, nays 49. Motion failed.

HOUSE MOTION (Amendment 287-2)

Mr. Speaker: I move that Engrossed Senate Bill 287 be amended to read as follows:

Page 14, delete lines 28 through 42.

Delete pages 15 through 16.

Page 17, delete lines 1 through 15.

Page 123, delete line 42.

Page 124, delete lines 1 through 2.

Renumber all SECTIONS consecutively.

(Reference is to ESB 287 as printed April 6, 2007.)

FOLEY

Motion failed.

HOUSE MOTION (Amendment 287-5)

Mr. Speaker: I move that Engrossed Senate Bill 287 be amended to read as follows:

Page 124, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 127. [EFFECTIVE JANUARY 1, 2008] (a) Notwithstanding IC 3-8-1-23.5, as added by this act, a candidate for the office of township trustee who performs all the duties and has all the rights and powers of a township assessor under IC 36-6-5-1 who runs in an election after June 30, 2008, and before July 1, 2010:

(1) must have attained the certification of a level one assessor-appraiser under IC 6-1.1-35.5; and

(2) is not required to have attained the certification of a level two assessor-appraiser under IC 6-1.1-35.5.

(b) After June 30, 2008, and before July 1, 2010, a

reference in IC 6-1.1-1-24 or IC 36-2-15-5(g), both as added by this act:

(1) to a level two assessor-appraiser; and

(2) applicable to a township trustee who performs all the duties and has all the rights and powers of a township assessor under IC 36-6-5-1; is considered to be a reference to a level one assessor-appraiser.

(c) This SECTION expires July 1, 2010."

Renumber all SECTIONS consecutively.

(Reference is to ESB 287 as printed April 6, 2007.)

LEHE

Motion failed.

HOUSE MOTION (Amendment 287-1)

Mr. Speaker: I move that Engrossed Senate Bill 287 be amended to read as follows:

Page 124, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 127. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the interim study committee on real property sales disclosure established by this SECTION.

(b) There is established the interim study committee on real property sales disclosure. The committee shall study the following:

(1) Whether there are ways to:

(A) improve the efficiency of the system for real property sales disclosure established in IC 6-1.1-5.5; and

(B) decrease the administrative burden of real property sales disclosure on parties to a real property conveyance.

(2) The role in the system of the department of local government finance and rulemaking by the department.

(c) The department of local government finance shall provide information and recommendations to assist in the committee's study under subsection (b).

(d) The committee shall operate under the policies governing study committees adopted by the legislative council.

(e) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(f) This SECTION expires November 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to ESB 287 as printed April 6, 2007.)

FOLEY

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 286

Representative Dvorak called down Engrossed Senate Bill 286 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 286-1)

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

Page 19, line 37, delete "Class A misdemeanor." and insert "Class D felony."

(Reference is to ESB 286 as printed April 3, 2007.)

DVORAK

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 206

Representative Crooks called down Engrossed Senate Bill 206 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 206-4)

Mr. Speaker: I move that Engrossed Senate Bill 206 be amended to read as follows:

Page 8, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 8. IC 8-1-35 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 35. Renewable Energy Development

Sec. 1. As used in this chapter, "electricity supplier" means a public utility (as defined in IC 8-1-2-1) that furnishes retail electric service to the public. The term does not include a public utility that is:

- (1) a municipally owned utility (as defined in IC 8-1-2-1(h));
- (2) a corporation organized under IC 8-1-13; or
- (3) a corporation organized under IC 23-17-1 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13.

Sec. 2. As used in this chapter, "fund" refers to the renewable energy resources fund established by section 8 of this chapter.

Sec. 3. As used in this chapter, "regional transmission organization" refers to a regional transmission organization approved by the Federal Energy Regulatory Commission for the geographic area in which an electricity supplier's assigned service area (as defined in IC 8-1-2.3-2) is located.

Sec. 4. As used in this chapter, "renewable energy credit", or "REC", means one (1) megawatt hour of electricity generated by renewable energy resources that is:

- (1) quantifiable; and
- (2) possessed by not more than one (1) entity at a time.

Sec. 5. (a) As used in this chapter, "renewable energy resources" includes the following sources for the production of electricity:

- (1) Dedicated crops grown for energy production.
- (2) Methane systems that convert waste products, including animal, food, and plant waste, into electricity.
- (3) Methane recovered from landfills.
- (4) Wind.
- (5) Hydropower, other than hydropower involving the construction of new dams or the expansion of existing dams.
- (6) Solar photovoltaic cells and panels.
- (7) Fuel cells that directly convert chemical energy in a hydrogen rich fuel into electricity.
- (8) Sawmill or timber waste, other than waste derived from commercial grade timber.
- (9) Agricultural crop waste.
- (10) Combined heat and power systems that:
 - (A) use natural gas or renewable energy resources as feedstock; and
 - (B) achieve at least seventy percent (70%) overall efficiency.
- (11) Demand side management or efficiency programs that reduce electricity consumption or implement load management or demand response technologies that shift electric load from periods of higher demand to periods of lower demand, including the following:
 - (A) Home weatherization.
 - (B) Appliance efficiency modifications and replacements.
 - (C) Lighting efficiency modifications.
 - (D) Heating and air conditioning modifications or replacements.

(b) The term does not include energy from the incineration, burning, or heating of the following:

- (1) Tires.

(2) Garbage.

(3) General household, institutional, or commercial waste.

(4) Industrial lunchroom or office waste.

(5) Construction or demolition debris.

(6) Feedstock that is municipal, food, plant, industrial, or animal waste from outside Indiana.

Sec. 6. (a) Each electricity supplier shall supply electricity generated by renewable energy resources to Indiana customers as a percentage of the total electricity supplied by the electricity supplier to Indiana customers as follows:

- (1) In 2009, at least five-tenths percent (0.5%).
- (2) In 2010, at least one percent (1%).
- (3) In 2011, at least two percent (2%).
- (4) In 2012, at least two and five-tenths percent (2.5%).
- (5) In 2013, at least three percent (3%).
- (6) In 2014, at least four percent (4%).
- (7) In 2015, at least five percent (5%).
- (8) In 2016 and 2017, at least six percent (6%).
- (9) In 2018 and 2019, at least seven percent (7%).
- (10) In 2020 through 2024, at least eight percent (8%).
- (11) In 2025 and thereafter, at least ten percent (10%).

For purposes of this subsection, electricity is measured in megawatt hours.

(b) An electricity supplier may not use a renewable energy resource described in section 5(a)(10) of this chapter to generate more than ten percent (10%) of the electricity that the electricity supplier is required to supply under subsection (a).

(c) An electricity supplier may use a renewable energy resource described in section 5(a)(11) of this chapter each to generate not more than ten percent (10%) of the electricity that the electricity supplier is required to supply under subsection (a).

(d) An electricity supplier may own or purchase RECs to comply with subsection (a).

(e) If an electricity supplier exceeds the applicable percentage under subsection (a) in a compliance year, the electricity supplier may carry forward the amount of electricity that:

- (1) exceeds the applicable percentage under subsection (a); and
- (2) is generated by renewable energy resources in an Indiana facility;

to comply with the requirement under subsection (a) for either or both of the two (2) immediately succeeding compliance years.

(f) An electricity supplier that fails to comply with subsection (a) shall deposit in the fund an amount equal to:

- (1) the number of megawatt hours of electricity that the electricity supplier was required to but failed to supply under subsection (a); multiplied by
- (2) fifty dollars (\$50).

(g) An electricity supplier is not required to comply with subsection (a) if the commission determines that the electricity supplier has demonstrated that the cost of renewable energy resources or RECs available to the electricity supplier would result in an unreasonable increase in the basic rates and charges for electricity supplied to customers of the electricity supplier if the electricity supplier complied with subsection (a). The commission shall conduct a public hearing to make a determination under this subsection.

(h) If the commission determines under subsection (g) that the cost of available renewable energy resources or RECs is not reasonable, the commission shall:

- (1) reduce or eliminate the affected electricity supplier's obligations under subsection (a) as appropriate; and
- (2) review its determination not more than twelve (12) months after the reduction or elimination under

subdivision (1) takes effect.

(i) The commission shall allow an electricity supplier to recover reasonable and necessary costs incurred in:

- (1) constructing, operating, or maintaining facilities to comply with this chapter; or
- (2) generating electricity from, or purchasing electricity generated from, a renewable energy resource;

by a periodic rate adjustment mechanism.

Sec. 7. (a) For purposes of calculating RECs to determine an electricity supplier's compliance with section 6(a) of this chapter, the following apply:

(1) Except as provided in subdivisions (2) through (4), one (1) megawatt hour of electricity generated by renewable energy resources in an Indiana facility equals one (1) REC.

(2) One (1) megawatt hour of electricity generated by a renewable energy resource described in section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter that originates in Indiana equals one and five-tenths (1.5) RECs.

(3) One (1) megawatt hour of electricity that is:

(A) generated by a renewable energy resource in the territory of a regional transmission organization; and

(B) imported into Indiana; equals five-tenths (0.5) REC.

(4) One (1) megawatt hour of electricity that is generated by a renewable energy resource described in section 5(a)(10) of this chapter in Indiana equals five-tenths (0.5) REC.

(b) Electricity generated by any source outside the territory of a regional transmission organization may not be considered for purposes of calculating an REC to determine an electricity supplier's compliance with section 6(a) of this chapter.

(c) An electricity supplier may satisfy not more than ten percent (10%) of the electricity supplier's requirement under section 6(a) of this chapter by owning or purchasing RECs calculated under subsection (a)(4).

(d) An electricity supplier may not apportion all or part of a single megawatt of electricity among:

- (1) more than one (1) renewable energy resource; or
- (2) more than one (1) category set forth in subsection (a);

in order to comply with section 6(a) of this chapter.

Sec. 8. (a) The renewable energy resources fund is established to:

(1) support the development, construction, and use of renewable energy resources, including small scale renewable energy resources, in rural and urban Indiana; and

(2) reimburse the Indiana economic development corporation and the commission for expenses incurred under section 9 of this chapter.

(b) The fund consists of the following:

- (1) Money deposited under section 6(f) of this chapter.
- (2) Money from any other source that is deposited in the fund.

(c) The Indiana economic development corporation shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 9. (a) This section applies if there is sufficient money in the fund to reimburse the Indiana economic development

corporation and the commission for expenses incurred under subsection (b).

(b) The Indiana economic development corporation, in consultation with the commission, shall develop a strategy to attract renewable energy manufacturing facilities, including wind turbine component manufacturers, to Indiana.

Sec. 10. Beginning in 2011, and not later than March 1 of each year, a utility shall file with the commission a report of the utility's compliance with this chapter for the preceding calendar year.

Sec. 11. The commission shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 9. [EFFECTIVE JULY 1, 2007] Not later than April 1, 2013, the Indiana utility regulatory commission shall submit a report in an electronic format under IC 5-14-6 to the general assembly. A report submitted under this SECTION must include:

(1) an analysis of; and

(2) any legislative proposals the commission believes would increase;

the effectiveness of and industry compliance with IC 8-1-35, as added by this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 206 as printed April 3, 2007.)

GRUBB

Representative Whetstone rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 206 a bill pending before the House. The Speaker ruled the point was not well taken

The question then was on the motion of Representative Grubb (206-4). Upon request of Representatives Lutz and Torr, the Speaker ordered the roll of the House to be called. Roll Call 468: yeas 63, nays 35. Motion prevailed.

HOUSE MOTION (Amendment 206-2)

Mr. Speaker: I move that Engrossed Senate Bill 206 be amended to read as follows:

Page 5, after line 42, begin a new paragraph and insert:

"SECTION 5. IC 8-1-2-6.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.9. (a) As used in this section, "existing electric generating facility" refers to a facility:

(1) other than a new energy generating facility (as defined in IC 8-1-8.8-8);

(2) that is used to generate electricity or steam;

(3) that is associated with the combustion of coal or natural gas; and

(4) that is used and useful for the convenience of the public not later than May 1, 2007.

(b) As used in this section, "regulated air emissions" means air emissions:

(1) from an electric generating facility;

(2) that are:

(A) carbon, sulfur, mercury, or nitrogen based pollutants; or

(B) particulate matter; and

(3) that are regulated, or reasonably anticipated by the commission to be regulated, by:

(A) the federal government;

(B) the state;

(C) a political subdivision of the state; or

(D) any agency of a unit of government described in clauses (A) through (C).

(c) As used in this section, "regulated air emissions project" means a project designed to reduce or avoid regulated air emissions from an existing electric generating facility. The term does not include projects that provide

offset programs, such as agricultural and forestry activities.

(d) An energy utility (as defined in IC 8-1-2.5-2) may petition the commission for approval of the construction, installation, and operation of a regulated air emissions project. If the commission finds, after notice and hearing, the proposed regulated air emissions project to be reasonable and necessary, the commission may approve the project and provide the following incentives:

(1) The timely recovery of costs associated with the regulated air emissions project, including capital, operation, maintenance, depreciation, tax, and financing costs incurred during the construction and operation of the project.

(2) The recovery of costs associated with:

(A) the purchase of emissions allowances; or

(B) the payment of emission taxes arising from compliance with air emissions regulations.

(e) In addition to the incentives described in subsection (d), the commission may provide any other financial incentives the commission considers appropriate."

Renumber all SECTIONS consecutively.

(Reference is to ESB 206 as printed April 3, 2007.)

CROOKS

Motion prevailed.

HOUSE MOTION (Amendment 206-5)

Mr. Speaker: I move that Engrossed Senate Bill 206 be amended to read as follows:

Page 5, after line 42, begin a new paragraph and insert:

"SECTION 5. IC 8-1-2-86.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 86.5. (a) For purposes of this section, "four (4) mile area" means the area within four (4) miles of a municipality's corporate boundaries.

(b) Except as provided in subsection (c), the commission, after notice and hearing, may, by order, determine territorial disputes between all water utilities.

(c) This subsection applies if a municipality exercises the power to regulate the furnishing of water to the public granted by IC 36-9-2-14 within a four (4) mile area. The commission may not determine a territorial dispute within the four (4) mile area unless the territorial dispute concerns a geographic area that is located in:

(1) the four (4) mile area; and

(2) another four (4) mile area."

Renumber all SECTIONS consecutively.

(Reference is to ESB 206 as printed April 3, 2007.)

AVERY

Upon request of Representatives Duncan and Cheatham, the Speaker ordered the roll of the House to be called. Roll Call 469: yeas 51, nays 46. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 232

Representative Pierce called down Engrossed Senate Bill 232 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 232-3)

Mr. Speaker: I move that Engrossed Senate Bill 232 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 32-21-2-3 IS AMENDED TO READ AS FOLLOWS: Sec. 3. (a) For a conveyance, a mortgage, or an instrument of writing to be recorded, it must be:

(1) acknowledged by the grantor; or

(2) proved before a:

(A) judge;

(B) clerk of a court of record;

(C) county auditor;

(D) county recorder;

(E) notary public;

(F) mayor of a city in Indiana or any other state;

(G) commissioner appointed in a state other than Indiana by the governor of Indiana;

(H) minister, charge d'affaires, or consul of the United States in any foreign country;

(I) clerk of the city council for a consolidated city, city clerk for a second class city, or clerk-treasurer for a third class city;

(J) clerk-treasurer for a town; or

(K) person authorized under IC 2-3-4-1.

(b) In addition to the requirements under subsection (a), a conveyance may not be recorded after June 30, 2007, unless it meets the requirements of this subsection. If the mailing address on the conveyance is not a street address or a rural route address of the grantee, the conveyance must also include a street address or rural route address of the grantee after the mailing address."

Page 1, line 12, delete "mortgage made, serviced," and insert "mortgage if:".

Page 1, delete lines 13 through 17.

Page 2, line 4, delete "acknowledgment".

Renumber all SECTIONS consecutively.

(Reference is to 232 as printed March 30, 2007.)

FOLEY

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 207

Representative Welch called down Engrossed Senate Bill 207 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 207-4)

Mr. Speaker: I move that Engrossed Senate Bill 207 be amended to read as follows:

Page 2, line 22, delete "." and insert "; and the academic institution has entered an agreement with the state department under section 4 of this chapter."

Page 3, line 8, delete "contract" and insert "agreement".

Page 4, line 13, after "chapter" insert ", including information reported to the agency by a health care facility, a health care professional, or an individual,".

Page 4, line 34, delete "Except as".

Page 4, line 35, delete "provided in subsection (e), all" and insert "All".

Page 4, line 39, delete "Except as provided in subsection (e), neither" and insert "Neither".

Page 5, line 19, delete "in the agreement:" and insert "under IC 16-40-5:".

Page 5, line 24, after "materials" insert "submitted or".

Page 5, line 29, after "information" insert "or materials".

Page 5, line 31, delete "released" and insert "issued".

Page 5, line 32, after "." insert "Information and materials may be submitted or disclosed to the agency under this subsection without violating this section or waiving the confidentiality and privilege attached to the communications, proceedings, records, determinations, or deliberations of the peer review committee."

Page 5, line 40, delete "or" and insert "and".

Page 5, line 41, after "records," insert "determinations,".

Page 6, after line 13, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2007] Any information that is confidential under IC 16-40-4, as added by this act, remains confidential after the chapter expires or is repealed."

(Reference is to ESB 207 as printed April 3, 2007.)

WELCH

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 201

Representative C. Brown called down Engrossed Senate Bill 201 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 201-2)

Mr. Speaker: I move that Engrossed Senate Bill 201 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health matters.

Page 7, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 5. IC 16-34-1-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.5. A pharmacist licensed under IC 25-26 may not be required, as a condition of training, employment, pay, promotion, or privileges, to dispense a medical device or drug, including an emergency contraceptive pill, that is intended to result in an abortion.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 201 as printed April 6, 2007.)

T. HARRIS

After discussion of the motion of Representative T. Harris (201-2), Representative C. Brown withdrew the call of Engrossed Senate Bill 201.

Engrossed Senate Bill 56

Representative Goodin called down Engrossed Senate Bill 56 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 56-3)

Mr. Speaker: I move that Engrossed Bill 56 be amended to read as follows:

Page 2, line 15, delete "five (5)" and insert "**one (1)**".

(Reference is to ESB as printed April 6, 2007.)

THOMPSON

Motion failed.

HOUSE MOTION (Amendment 56-4)

Mr. Speaker: I move that Engrossed Senate Bill 56 be amended to read as follows:

Page 2, line 15, delete "five (5)" and insert "**two (2)**".

(Reference is to ESB 56 as printed April 6, 2007.)

THOMPSON

Upon request of Representatives Thompson and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 470: yeas 47, nays 49. Motion failed.

HOUSE MOTION (Amendment 56-6)

Mr. Speaker: I move that Engrossed Senate Bill 56 be amended to read as follows:

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 3. IC 20-28-9-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.6. (a) This section applies to an individual who is:**

(1) a licensed teacher who has obtained a permit to teach in a content area designated as a shortage area by the Indiana state board; or

(2) a speech language pathologist licensed by the department.

(b) If an individual described in subsection (a) possesses up to five (5) years of work experience in an industry that is comparable to a content area designated as a shortage area by the Indiana state board, the individual may receive a starting salary that is commensurate with the starting salary for a teacher with comparable years of teaching experience as determined by a local salary schedule of the school corporation. If an individual described in subsection (a) possesses more than five (5) years of work experience in an industry that is comparable to a content area designated as a shortage area by the Indiana state board, the individual may receive a starting salary that is commensurate with the starting salary for a teacher with five (5) years of teaching experience as determined by a local salary schedule of the school corporation.

(c) The following individuals are not eligible to receive a starting salary as described in subsection (b):

(1) A holder of an emergency permit.

(2) A holder of a transition to teaching permit.

(d) The local school corporation shall determine which industries are comparable to the content areas designated as shortage areas by the state board.

(e) Notwithstanding subsection (b), if a collective bargaining agreement allows for a starting salary for an individual described in subsection (a) that is greater than or equal to an amount determined under subsection (b), the amount of the starting salary that the collective bargaining agreement allows for is not subject to this section."

Renumber all SECTIONS consecutively.

(Reference is to ESB 56 as printed April 6, 2007.)

THOMPSON

Upon request of Representatives Thompson and Bosma, the Speaker ordered the roll of the House to be called. Roll Call 471: yeas 46, nays 52. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 329

Representative Welch called down Engrossed Senate Bill 329 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 329-1)

Mr. Speaker: I move that Engrossed Senate Bill 329 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law and courts.

Page 69, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 70. IC 33-37-5-15, AS AMENDED BY P.L.174-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 15. (a) The sheriff shall collect a service of process fee of thirteen dollars (\$13) from a party requesting service of a writ, an order, a process, a notice, a tax warrant, or any other paper completed by the sheriff. A service of process fee collected under this subsection may be collected only one (1) time per case for the duration of the case.**

(b) The sheriff shall collect from the person who filed the civil action a service of process fee of sixty dollars (\$60), in addition to any other fee for service of process, if:

(1) a person files a civil action outside Indiana; and

(2) a sheriff in Indiana is requested to perform a service of process associated with the civil action in Indiana.

(c) A sheriff shall transfer fees collected under this section to the county auditor of the county in which the sheriff has jurisdiction.

(d) The county auditor shall deposit fees collected under this section:

- (1) in the pension trust established by the county under IC 36-8-10-12; or
 - (2) if the county has not established a pension trust under IC 36-8-10-12, in the county general fund."
- Re-number all SECTIONS consecutively.
(Reference is to ESB 329 as printed April 6, 2007.)

RICHARDSON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 250

Representative Grubb called down Engrossed Senate Bill 250 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 250-1)

Mr. Speaker: I move that Engrossed Senate Bill 250 be amended to read as follows:

- Page 2, line 37, strike "2008," and insert "2020,".
- Page 2, line 38, strike "ten" and insert "twenty-five".
- Page 2, line 38, strike "(\$0.10);" and insert "(\$0.25);".
- Page 3, line 5, strike "two" and insert "one".
- Page 3, line 5, strike "(\$2,000,000)" and insert "(\$1,000,000)".
- Page 3, line 14, strike "two" and insert "one".
- Page 3, line 14, strike "(\$2,000,000)" and insert "(\$1,000,000)".
- Page 3, line 29, delete "school" and insert "college".
- Page 6, line 12, after "officio" insert "nonvoting".
- Page 6, line 33, after "as" insert "nonvoting members as".
- Page 7, between lines 2 and 3, begin a new paragraph and insert:
 "(f)The dean or the dean's designee shall serve as an ex officio nonvoting member of the council."
- Page 9, line 12, strike "Seven (7)" and insert "A majority of the voting members of the council constitutes a quorum. The".
- Page 9, line 12, after "votes" insert "of at least a majority of the quorum, and at least six (6) affirmative votes,".
- Page 10, line 17, delete "two" and insert "one".
- Page 10, line 18, delete "(\$2,000,000)." and insert "(\$1,000,000)".
- Page 14, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 4. IC 15-9-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 5. E85 Fueling Station Grant Program

Sec. 1. As used in this chapter, "E85 base fuel" has the meaning set forth in IC 6-6-1.1-103.

Sec. 2. As used in this chapter, "fueling station" refers to tangible property (other than a building and its structural components) consisting of:

- (1) a tank;
- (2) a pump; and
- (3) other components;

that is used by a person engaged in the business of selling motor fuel at retail to enable motor fuel to be dispensed directly into the fuel tank of a customer's motor vehicle.

Sec. 3. As used in this chapter, "location" refers to one (1) or more parcels of land that:

- (1) have a common access to a public highway; and
- (2) are or would appear to the reasonable person making an observation from a public highway to be part of the same business.

Sec. 4. As used in this chapter, "motor vehicle" means any vehicle that:

- (1) is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails); and
- (2) has at least four (4) wheels.

Sec. 5. As used in this chapter, "qualified investment" refers to an ordinary and usual expense that is incurred after June 30, 2007, to do any of the following:

- (1) Purchase any part of a renewable fuel compatible fueling station for the purpose of installing the new renewable fuel compatible fuel station at a location on which a fueling station is not located.
- (2) Purchase any part of a renewable fuel compatible fueling station for the purpose of replacing an existing fueling station that is not a renewable fuel compatible fueling station into a fueling station that is a renewable fuel compatible fueling station.
- (3) Refit any part of a fueling station that is not renewable fuel compatible as a renewable fuel compatible fueling station, including the costs of cleaning storage tanks and piping to remove petroleum sludge and other contaminants.

Sec. 6. As used in this chapter, "renewable fuel compatible" means:

- (1) capable of storing and delivering E85 base fuel without contaminants resulting from deterioration from constant contact with alcohol fuels; and
- (2) in conformity with applicable governmental standards, if any, and other nationally recognized standards applying to storage and handling of E85 base fuel, as determined under the standards prescribed by the department.

Sec. 7. (a) The department may award a grant under this chapter to a person that:

- (1) makes a qualified investment; and
- (2) places the qualified investment in service;

in Indiana for the dispensing of E85 base fuel into the fuel tanks of motor vehicles.

(b) A recipient of a grant awarded under this chapter must comply with any guidelines developed by the state department of agriculture's office of energy and defense development.

Sec. 8. A grant awarded under this chapter may not exceed the following:

- (1) For a qualified investment listed under section 5(1) of this chapter, five thousand dollars (\$5,000).
- (2) For a qualified investment listed under section 5(2) of this chapter, two thousand five hundred dollars (\$2,500).
- (3) For a qualified investment listed under section 5(3) of this chapter, one thousand five hundred dollars (\$1,500).

Sec. 9. The department shall do the following:

- (1) Prepare and supervise the issuance of public information concerning the grant program established under this chapter.
- (2) Prescribe the form and regulate the submission of applications for grants under this chapter.
- (3) Determine an applicant's eligibility for a grant under this chapter.

Sec. 10. The total amount of grants awarded under this chapter for all state fiscal years may not exceed one million dollars (\$1,000,000).

Sec. 11. (a) The E85 fueling station grant fund is established to provide grants under this chapter.

(b) The fund consists of appropriations from the general assembly.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this chapter.

(e) Money in the fund is continuously appropriated for the purposes of this chapter.

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Sec. 12. A grant awarded under this chapter is not subject to taxation under IC 6-3-1 through IC 6-3-7.

Sec. 13. A grant awarded under this chapter does not reduce the basis of the qualified property for purposes of determining any gain or loss on the property when the grant recipient disposes of the property."

Page 18, line 4, delete "producers." and insert "**purchasers.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 250 as printed April 6, 2007.)

GRUBB

Motion prevailed. The bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Richardson be added as cosponsor of Engrossed Senate Bill 310.

GRUBB

Motion prevailed.

On the motion of Representative Cheatham, the House adjourned at 11:50 p.m., this ninth day of April, 2007, until Tuesday, April 10, 2007, at 10:00 a.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives